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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

1. Racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 2000/14 of 17 April 2000,

1. Approves the Commission's recommendation that the General Assembly, through the Council, should request the Secretary-General to assign high priority to the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and to earmark adequate resources to finance the activities of the Programme;

2. Endorses the Commission's decision to appoint an 11-member Bureau for the two sessions of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, comprising two representatives per regional group and a representative of the host country as an ex-officio member, in order to ensure continuity and the adequate representation of all Member States;

3. Approves the Commission's requests to the High Commissioner for Human Rights:

(*a*) To continue and intensify, in her capacity as Secretary-General of the World Conference, the activities already initiated within the framework of the world information campaign with a view to mobilization and support for the objectives of the World Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors;

(*b*) To undertake appropriate consultations with non-governmental organizations on the possibility that they might hold a forum before and partly during the World Conference and, insofar as possible, to provide them with technical assistance for that purpose;

4. Also approves the Commission's requests:

(*a*) To the Secretary-General, the United Nations specialized agencies and the regional economic commissions to provide financial and technical assistance for the organization of the regional preparatory meetings planned in the context of the World Conference;

(*b*) To the regional preparatory processes to identify trends, priorities and obstacles at the national and regional levels, to formulate specific recommendations for the action to be carried out in future to combat racism, racial discrimination, xenophobia and related intolerance and to submit to the Preparatory Committee, by its 2001 session at the latest, the conclusions of these regional preparatory processes;

(c) To the Secretary–General to submit a report to the Commission at its fifty–seventh session on the implementation of Commission resolution 2000/14 under the agenda item entitled "Racism, racial discrimination, xenophobia and all forms of discrimination";

5. Further approves the Commission's recommendations that:

(a) The World Conference should adopt a declaration and a programme of action containing concrete and practical recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

(b) The particular situation of children should receive special attention during the preparations for and during the World Conference itself, especially in its outcome;

(c) The importance of systematically adopting a gender-based approach throughout the preparations for and in the outcome of the World Conference should be stressed.

[See chap. II, sect. A, resolution 2000/14,
and chap. VI.]

2. Question of draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography

The Economic and Social Council,

Noting Commission on Human Rights resolution 2000/59, including the annexes thereto, of 26 April 2000, in which the Commission approved the texts of the two draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,

1. Expresses its appreciation to the Commission on Human Rights for finalizing the two draft optional protocols;

2. Approves the two draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography annexed to the present resolution;

3. Recommends that the two optional protocols, after adoption by the General

Assembly, be open for early signature and ratification or accession at the special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", to be convened from 5 to 9 June 2000 in New York; and thereafter at United Nations Headquarters, including at the special session of the General Assembly, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalized world" to be convened from 26 to 30 June 2000 in Geneva; and at the Millennium Summit of the United Nations, to be convened from 6 to 8 September 2000, in New York;

4. Recommends the following draft resolution to the General Assembly for adoption:

"The General Assembly,

"Recalling all its previous resolutions on this topic, and in particular its resolution 54/149, in which it strongly supported the work of the Open-ended inter-sessional working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflict and the Open-ended inter-sessional working group of the Commission on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and urged them to finalize their work before the tenth anniversary of the entry into force of the Convention,

"Expressing its appreciation to the Commission for having finalized the texts of the two draft optional protocols to the Convention on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,

"Conscious of the tenth anniversaries, in the year 2000, of the World Summit for Children and the entry into force of the Convention on the Rights of the Child and of the symbolic and practical importance of the adoption of the two draft optional protocols to the Convention before the special session of the General Assembly for the follow-up to the World Summit for Children, to be convened in 2001,

"Adhering to the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

"Reaffirming its commitment to strive for the promotion and protection of the rights of the child in all avenues of life,

"Recognizing that the adoption and implementation of the two draft optional protocols to the Convention will make a substantial contribution to the promotion and protection of the rights of the child,

"1. Adopts and opens for signature and ratification or accession the two optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the texts of which are annexed to the present resolution;

"2. Invites all States, which have signed or ratified or acceded to the Convention on the Rights of the Child, to sign and ratify or accede to the two optional protocols as soon as possible in order to facilitate their early entry into force;

"3. Decides that the two optional protocols to the Convention will be open for signature: at its special session , entitled "Women 2000: gender equality, development and peace for the twenty-first century", to be convened from 5 to 9 June 2000 in New York; and thereafter at United Nations Headquarters including at its special session, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalized world", to be convened from 26 to 30 June 2000 in Geneva; and at the Millennium Summit of the United Nations, to be convened from 6 to 8 September 2000, in New York;

"4. Requests the Secretary-General to include information on the status of the two optional protocols in his regular report to the General Assembly on the status of the Convention on the Rights of the Child."

[See chap. II, sect. A, resolution 2000/59,
and chap. XIII.]

3. Establishment of a Permanent Forum on Indigenous Issues

The Economic and Social Council,

Recalling the provision contained in the final document of the World Conference on Human Rights, held in Vienna in June 1993, according to which the establishment of a permanent forum for indigenous people within the United Nations system should be considered,[1]

Recalling also that consideration of the establishment of a permanent forum is recognized as one of the important objectives of the programme of activities for the International Decade of the World's Indigenous People,[2]

Noting the two workshops on the subject held under the auspices of the Commission on Human Rights in Copenhagen in 1995 and in Santiago in 1997,[3]

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[1] A/CONF.157/24, (Part I), chap. III, sect II B, para. 32.

[2] General Assembly resolution 50/157, annex.

[3] See E/CN.4/Sub.2/AC.4/1995/7 and E/CN.4/1998/11 and Add.1 and 2.

Recalling the report of the Secretary-General entitled "Review of the existing mechanisms, procedures, and programmes within the United Nations concerning indigenous people" [4] and noting in particular, the striking absence of a mechanism to ensure coordination and regular exchange of information among interested parties - Governments, the United Nations and indigenous people - on an ongoing basis,

Taking into account the deliberations of the Working Group on a permanent forum for indigenous people established pursuant to Commission on Human Rights resolutions 1998/20 of 9 April 1998 and 1999/52 of 27 April 1999 to consider the establishment of a permanent forum and to submit concrete proposals to that effect (see E/CN.4/1999/83 and E/CN.4/2000/86) - as well as the consideration given to the subject at the fifty-sixth session of the Commission,

Wishing to finalize this project during the International Decade of the World's Indigenous People as one means of furthering the objectives of the Decade in partnership between Governments and indigenous people,

Stressing that the establishment of the Permanent Forum should lead to careful consideration of the future of the Working Group on Indigenous Populations of the Sub-Commission of the Promotion and Protection of Human Rights,

Bearing in mind the common resolve to promote peace and prosperity in accordance with the Charter of the United Nations and recalling the functions and powers of the Council in that respect as contained in the Charter,

1. Decides to establish as a subsidiary organ of the Council a permanent forum on indigenous issues consisting of sixteen members, eight members to be nominated by Governments and elected by the Council, and eight members to be appointed by the President of the Council following formal consultation with the bureau and the regional groups through their coordinators, on the basis of broad consultations with indigenous organizations taking into account the diversity and geographical distribution of the indigenous people of the world as well as the principles of transparency, representativity and equal opportunity for all indigenous people, including internal processes, when appropriate, and local indigenous consultation processes - all members serving in their personal capacity as independent experts on indigenous issues for a period of three years with the possibility of re-election or reappointment for one further period; States, United Nations bodies and organs, intergovernmental organizations and non-governmental organizations in consultative status with the Council may participate as observers; organizations of indigenous people may equally participate as observers in accordance with the procedures which have been applied in the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights;

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[4] A/51/493.

2. Decides that the Permanent Forum on Indigenous Issues shall serve as an advisory body to the Council with a mandate to discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights; in so doing the Permanent Forum will:

(*a*) Provide expert advice and recommendations on indigenous issues to the Council, as well as to programmes, funds and agencies of the United Nations, through the Council;

(*b*) Raise awareness and promote the integration and coordination of activities relating to indigenous issues within the United Nations system;

(*c*) Prepare and disseminate information on indigenous issues;

3. Decides that the Permanent Forum shall apply the rules of procedures established for subsidiary organs of the Council as applicable, unless otherwise decided by the Council; the principle of consensus shall govern the work of the Permanent Forum;

4. Also decides that the Permanent Forum shall hold an annual session of 10 working days at the United Nations Office at Geneva or at United Nations Headquarters or at such other place as the Permanent Forum may decide in accordance with existing financial rules and regulations of the United Nations;

5. Further decides that the Permanent Forum shall submit an annual report to the Council on its activities, including any recommendations for approval; the report shall be distributed to the relevant United Nations organs, funds, programmes and agencies as a means, *inter alia*, of furthering the dialogue on indigenous issues within the United Nations system;

6. Decides that the financing of the Permanent Forum shall be provided from within existing resources through the regular budget of the United Nations and its specialized agencies and through such voluntary contributions as may be donated;

7. Also decides that five years after its establishment, an evaluation of the functioning of the Permanent Forum, including the method for selection of its members, shall be carried out by the Council in the light of the experience gained;

8. Further decides that once the Permanent Forum has been established and has held its first annual session, the Council will review, without prejudging any outcome, all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness.

[See chap. II, sect. A, resolution 2000/87,
and chap. XV.]

4. Procedure for dealing with communications concerning human rights

The Economic and Social Council,

Recalling its resolution 728 F (XXVIII) of 30 July 1959 concerning the handling of communications concerning human rights and its decision 79 (LVIII) of 6 May 1975 relating thereto,

Recalling also its resolution 1235 (XLII) of 6 June 1967 authorizing the Commission on Human Rights to examine information relevant to gross violations of human rights and fundamental freedoms, its resolution 1503 (XLVIII) of 27 May 1970 establishing a procedure for dealing with communications relating to violations of human rights and fundamental freedoms and its resolution 1990/41 of 25 May 1990 concerning the establishment, composition and designation of the members of the Working Group on Situations,

Recalling further resolution 1 (XXIV) of the Sub-Commission for the Promotion and Protection of Human Rights *of 13 August 1971 concerning criteria for the admissibility of communications, as well as Sub-Commission resolution 2 (XXIV) of 16 August 1971 concerning the establishment, composition and designation of the members of the Working Group on Communications,

Recalling Commission on Human Rights decisions 3 (XXX) of 6 March 1974, 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980, all aimed at facilitating government participation and cooperation under the procedure, and decision 3 (XXXIV) of 3 March 1978 inviting the Chairperson-Rapporteur of the Working Group on Communications to be present during the deliberations of the Commission on that item,

Taking note ofdecision 2000/109 of 26 April 2000 of the Commission on Human Rights, inter alia, approving the recommendations of its Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission concerning the review of the procedure governed by Council resolution 1503 (XLVIII) and related resolutions and decisions (E/CN.4/2000/112, chapter three),

1. Endorses Commission decision 2000/109, insofar as it concerns the review of the procedure governed by Council resolution 1503 (XLVIII) and its related resolutions and decisions;

2. Decides, accordingly, that the Working Group on Communications designated in conformity with paragraph 37 of the report of the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission (E/CN.4/2000/112) shall henceforth meet annually for two weeks, immediately following the annual session of the Sub-Commission on the Promotion and Protection of Human Rights, to

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* The Sub-Commission was then called the Sub-Commission on Prevention of Discrimination and Protection of Minorities

examine the communications received under Council resolution 728 F (XXVIII) that have been transmitted to the Governments concerned not later than 12 weeks prior to the meeting of the Working Group, and any government replies relating thereto, in conformity with the criteria for the admissibility of communications contained in resolution 1 (XXIV) of the Sub-Commission, with a view to bringing to the attention of the Working Group on Situations any particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms;

3. Requests the Secretary-General, with the approval of the Chairperson-Rapporteur of the Working Group on Communications, to screen out manifestly ill-founded communications in the preparation of the monthly confidential summaries of communications (confidential lists of communications) communicated to the members of the Working Group, it being understood that communications screened out would not be transmitted to the Governments concerned for reply;

4. Calls upon the Secretary-General to inform the countries concerned, immediately after the conclusion of the meeting of the Working Group on Communications, of the actions taken in regard to them;

5. Entrusts to the Working Group on Situations designated in conformity with paragraph 40 of the report of the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights, which shall meet annually for one week not less than one month prior to the annual session of the Commission, the role of examining the confidential report and recommendations of the Working Group on Communications and determining whether or not to refer a particular situation thus brought before it to the Commission, as well as of examining the particular situations kept under review by the Commission under the procedure, and, accordingly, to place before the Commission a confidential report identifying the main issues of concern, normally together with a draft resolution or draft decision recommending the action to be taken by the Commission in respect of the situations referred to it;

6. Requests the Secretary-General to make the confidential files available, at least one week in advance of the first closed meeting, to all members of the Commission on Human Rights;

7. Authorizes the Commission on Human Rights, as it deems appropriate, to consider the particular situations placed before it by the Working Group on Situations, as well as the situations kept under review, in two separate closed meetings, employing the following modalities:

(*a*) At the first closed meeting, each country concerned would be invited to make opening presentations; a discussion would then follow between members of the Commission and the Government concerned, based on the contents of confidential files and the report of the Working Group on Situations;

(*b*) In the interim between the first and second closed meetings, any member or members of the Commission could submit an alternative or an amendment to any texts forwarded by the Working Group on Situations; any such draft texts would be circulated confidentially by the secretariat, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council, in advance of the second closed meeting;

(*c*) At the second closed meeting, members of the Commission would discuss and take action on the draft resolutions or decisions; a representative or representatives of the Governments concerned would have the right to be present during the adoption of the final decision or resolution taken in regard to the human rights situation in that country; as has been the established practice, the Chairperson of the Commission would subsequently announce in a public meeting which countries had been examined under the 1503 procedure, as well as the names of countries no longer being dealt with under the procedure; the 1503 dossiers would remain confidential, except where the Government concerned has indicated the wish that they become public;

(*d*) In accordance with the established practice, the action taken in respect of a particular situation should be one of the following options:

(i) To discontinue consideration of the matter when further consideration or action is not warranted;
(ii) To keep the situation under review in the light of any further information received from the Government concerned and any further information which may reach the Commission under the 1503 procedure;
(iii) To keep the situation under review and to appoint an independent expert;
(iv) To discontinue consideration of the matter under the confidential procedure governed by Council resolution 1503 (XLVIII) in order to take up consideration of the same matter under the public procedure governed by Council resolution 1235 (XLII);

8. Decides that the provisions of Council resolution 1503 (XLVIII) and related resolutions and decisions not affected by the present reorganization of work shall remain in force, including:

(*a*) Provisions relating to the duties and responsibilities of the Secretary-General, it being understood that in respect of the handling of communications and government replies relating thereto the duties and responsibilities are as follows:

(i) The compilation, as before, of monthly confidential summaries of incoming communications concerning alleged violations of human rights; the identity of authors may be deleted upon request;
(ii) The transmittal of a copy of each summarized communication, in the language received, to the Government concerned for reply, without

divulging the identity of the author if he or she so requests;

(iii) Acknowledging the receipt of communications to their authors;

(iv) The reproduction and circulation to the members of the Commission on Human Rights, as before, of the replies received from Governments;

(b) Provisions aimed at facilitating government cooperation and participation in the procedure, including the provisions of Commission decision 3 (XXX), now to be applied following the meetings of the Working Group on Communications;

9. Also decides that all actions envisaged in the implementation of the present resolution by the Working Group on Communications, the Working Group on Situations and the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendations to the Council;

10. Further decides that the procedure as amended may continue to be referred to as the 1503 procedure.

[See chap. II, sect. B, decision 2000/109,
and chap. XX]

B. Draft decisions

1. Strengthening of the Office of the United Nations High Commissioner for Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/1 of 7 April 2000, endorses the Commission's recommendation that the Council and the General Assembly should provide the Office of the United Nations High Commissioner for Human Rights with ways and means commensurate to its increasing tasks and that they should also provide increased resources for special rapporteurs.

[See chap. II, sect. A, resolution 2000/1,
and chap. IV.]

2. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/3 of 7 April 2000, endorses the Commission's decision, in accordance with the request of the General Assembly, to convene a workshop on the traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination before the fifty-fifth session of the General Assembly, and its request to the High Commissioner for Human Rights to report on the outcome of the workshop to the Commission at its fifty-seventh session.

[See chap. II, sect. A, resolution 2000/3,
and chap. V.]

3. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/5 of 13 April 2000, authorizes the open-ended Working Group on the Right to Development, established in accordance with Commission resolution 1998/72 and Council decision 1998/269, to meet for two sessions of five days each, prior to the fifty-seventh session of the Commission.

The Council approves the Commission's request to the Secretary-General to submit to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session a comprehensive report on the implementation of the various provisions of Commission resolution 2000/5.

[See chap. II, sect. A, resolution 2000/5,
and chap. VII.]

4. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/9 of 17 April 2000, endorses the Commission's decision to appoint, for a period of three years, a special rapporteur whose mandate will focus on adequate housing as a component of the right to an adequate standard of living, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, article 27, paragraph 3, of the Convention on the Rights of the Child, and on the right to non-discrimination as reflected in article 14, paragraph 2 (*h*) of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (*e*) of the International Convention on the Elimination of All Forms of Racial Discrimination.

The Council also endorses the Commission's request to the United Nations High Commissioner for Human Rights to provide all the necessary resources for the effective fulfilment of the mandate of the Special Rapporteur.

[See chap. II, sect. A, resolution 2000/9,
and chap. X.]

5. The right to food

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/10 of 17 April 2000, endorses the Commission's decision, to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right to food and who will carry out the following activities:

(*a*) Seek, receive and respond to information on all aspects of the realization of the right to food, including the urgent necessity of eradicating hunger;

(*b*) Establish cooperation with Governments, intergovernmental organizations, in particular the Food and Agriculture Organization of the United Nations, and non-governmental organizations on the promotion and effective implementation of the right to food, and to make appropriate recommendations on the realization thereof, taking into consideration the work already done in this field throughout the United Nations system;

(*c*) Identify emerging issues related to the right to food worldwide.

The Council also endorses the Commission's request to the United Nations High Commissioner for Human Rights to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur.

[See chap. II, sect. A, resolution 2000/10,
and chap. X.]

6. Human rights and extreme poverty

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/12 of 17 April 2000, endorses the Commission's decision to renew, for a period of two years, the mandate of the independent expert on the question of human rights and extreme poverty:

(*a*) To evaluate the relationship between the promotion and protection of human rights and the eradication of extreme poverty, including through the identification of national and international good practices;

(*b*) To hold consultations, including during her visits, with the poorest people and the communities in which they live, on means of developing their capacity to express their views and to organize themselves and to involve national human rights institutions in this exercise;

(*c*) To consider strategies to overcome extreme poverty and the social impact of those strategies;

(*d*) To continue her cooperation with the international financial institutions, with the view to identifying the best programmes for combating extreme poverty;

(*e*) To contribute to the mid-term evaluation of the first United Nations Decade for the Eradication of Poverty, scheduled for 2002;

(*f*) To report on her activities to the Commission on Human Rights at its fifty-seventh and fifty-eighth sessions and to make those reports available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years.

The Council approves the Commission's request to the United Nations High Commissioner for Human Rights to organize, before the fifty-seventh session of the Commission, a seminar to consider the need to develop a draft declaration on extreme poverty and, if appropriate, to identify its specific points.

The Council also approves the Commission's recommendation that, in view of the need to take into account work undertaken elsewhere, an invitation to this seminar be extended to government representatives and experts of the United Nations specialized agencies, funds and programmes, the relevant functional commissions of the Council, the regional economic commissions, the international financial institutions, the Sub-Commission on the Promotion and Protection of Human Rights and interested non-governmental organizations.

[See chap. II, sect. A, resolution 2000/12,
and chap. X.]

7. Situation of human rights in the Democratic Republic of the Congo

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/15 of 18 April 2000, endorses the Commission's decisions:

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year and to request him to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty–seventh session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity–building, and also to request the Special Rapporteur to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out in the territory of the Democratic Republic of the Congo, including those in the province of South Kivu, and other atrocities referred to in the reports by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty–fifth session and to the Commission at its fifty–seventh session.

[See chap. II, sect. A, resolution 2000/15,
and chap. IX.]

8. Human rights situation in southern Lebanon and western Bekaa

The Economic and Social Council, taking note of Commission on Human Rights

resolution 2000/16 of 18 April 2000, approves the Commission's request to the Secretary-General:

(*a*) To bring Commission resolution 2000/16 to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(*b*) To report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session on the results of his efforts in this regard.

[See chap. II, sect. A, resolution 2000/16,
and chap. IX.]

9. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/17 of 18 April 2000, endorses the Commission's decisions:

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty–seventh session, and also to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq.

[See chap. II, sect. A, resolution 2000/17,
and chap. IX.]

10. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/18 of 18 April 2000, approves the Commission's requests:

(*a*) To the Secretary-General to give all necessary assistance to the Special Rapporteur on the situation of human rights in Afghanistan and to give due consideration to his recommendations in the formulation of United Nations activities in Afghanistan;

(*b*) To the United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide advice and training in the field of human rights to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field.

The Council endorses the Commission's decision to extend the mandate of the Special Rapporteur for one year, and to request the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-seventh session.

[See chap. II, sect. A, resolution 2000/18,
and chap. IX.]

11. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/19 of 18 April 2000, endorses the Commission's decision to renew the mandate of the Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea for one year to monitor the situation of human rights in Equatorial Guinea and to report to the Commission at its fifty–seventh session, keeping in mind the need to apply a gender perspective in the reporting process, including in collecting information and making recommendations.

[See chap. II, sect. A, resolution 2000/19,
and chap. IX.]

12. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/20 of 18 April 2000, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Burundi by one year, and to request the Special Rapporteur to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty–fifth session and a report to the Commission at its fifty–seventh session, giving her work a gender–specific dimension.

[See chap. II, sect. A, resolution 2000/20,
and chap. IX.]

13. Situation of human rights in Rwanda

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/21 of 18 April 2000, endorses the Commission's decision to extend for a further year the mandate of the Special Representative of the Commission on the situation of human rights in Rwanda, to make recommendations on the situation of human rights in Rwanda, to facilitate the effective and independent functioning of the National Human Rights Commission and to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate.

The Council also approves the Commission's request to the Special Representative to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session, in accordance with his mandate, and its request to the United Nations High Commissioner for Human Rights to provide the Special Representative with such financial assistance as he may require to discharge his mandate.

[See chap. II, sect. A, resolution 2000/21,
and chap. IX.]

14. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/23 of 18 April 2000, endorses the Commission's decisions:

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session, and to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge fully, and to pursue all efforts to ensure that the Special Rapporteur is authorized to visit Myanmar;

(*c*) Also to request the Secretary-General to continue his discussions with the Government on the situation of human rights and the restoration of democracy and with anyone he may consider appropriate in order to assist in the implementation of General Assembly resolution 54/186 and of Commission resolution 2000/23.

[See chap. II, sect. A, resolution 2000/23,
and chap. IX.]

15. Situation of human rights in Sierra Leone

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/24 of 18 April 2000, endorses the Commission's decisions:

(*a*) To request the United Nations High Commissioner for Human Rights and the international community to continue to assist the Government of Sierra Leone to establish and maintain an effectively functioning Truth and Reconciliation Commission and National Human Rights Commission;

(*b*) To request the Secretary-General, the High Commissioner and the international community to give all necessary assistance to the human rights section of the United Nations Mission in Sierra Leone to enable it to fulfil its mandate to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs, including:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programme;

(ii) To strengthen its support for, and to continue and expand its cooperation with, human rights non-governmental organizations in Sierra Leone.

The Council approves the Commission's request to the High Commissioner for Human Rights to report to the General Assembly at its fifty–fifth session and to the Commission at its fifty–seventh session on the human rights situation in Sierra Leone, including with reference to reports from the United Nations Mission in Sierra Leone.

[See chap. II, sect. A, resolution 2000/24,
and chap. IX.]

16. Situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/26 of 18 April 2000, endorses the Commission's decision to renew for one year the mandate of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and its request to the Special Rapporteur to report to the Commission at its fifty-seventh session on the work conducted in fulfilment of the mandate and to submit an interim report to the General Assembly at its fifty-fifth session, paying particular attention to those areas that remain a source of grave concern, including the deteriorating human rights situation in the Federal Republic of Yugoslavia (Serbia and Montenegro).

[See chap. II, sect. A, resolution 2000/26,
and chap. IX.]

17. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/27 of 18 April 2000, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year, and to request to the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session on the situation of human rights in the Sudan, and to continue to keep a gender perspective in mind in the reporting process.

[See chap. II, sect. A, resolution 2000/27,
and chap. IX.]

18. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights

resolution 2000/28 of 18 April 2000, endorses the Commission's decision to extend the mandate of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of the Iran, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and its request to the Special Representative to submit an interim report to the General Assembly at its fifty-fifth session and a report to the Commission at its fifty-seventh session.

The Council also approves the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully.

[See chap. II, sect. A, resolution 2000/28,
and chap. IX.]

19. Human rights and terrorism

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/30 of 20 April 2000, approves the request of the Sub-Commission on the Promotion and Protection of Human Rights to the Secretary-General to give the Special Rapporteur on terrorism and human rights of the Sub-Commission on the Promotion and Protection of Human Rights all the assistance necessary, in order to hold consultations with the competent services and bodies of the United Nations system to complement her essential research and to collect all the needed and up-to-date information and data for the preparation of her progress report.

[See chap. II, sect. A, resolution 2000/30,
and chap. XI.]

20. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion Or Belief

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/33 of 20 April 2000, endorses the Commission's decision to change the title of the Special Rapporteur from Special Rapporteur on religious intolerance to Special Rapporteur on freedom of religion or belief and that this change will be implemented at the next extension of the Special Rapporteur's mandate.

The Council also approves the Commission's request to the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session.

[See chap. II, sect. A, resolution 2000/33,
and chap. XI.]

21. Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/35 of 20 April 2000:

(*a*) Authorizes the Open-ended working group of the Commission on Human Rights on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to meet for a period of two weeks, prior to the fifty-seventh session of the Commission, in order to continue or conclude the elaboration of a draft optional protocol to the Convention;

(*b*) Encourages the Chairperson-Rapporteur of the working group to conduct informal inter-sessional consultations with all interested parties in order to facilitate the completion of a consolidated text.

[See chap. II, sect. A, resolution 2000/35,
and chap. XI.]

22. Question of arbitrary detention

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/36 of 20 April 2000, endorses the Commission's decision to renew, for a three-year period, the mandate of the Working Group on Arbitrary Detention, composed of five independent experts entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by domestic courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned.

[See chap. II, sect. A, resolution 2000/36,
and chap. XI.]

23. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/42 of 20 April 2000, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the independence of judges and lawyers for a further period of three years and to request him to submit a report on the activities relating to his mandate to the Commission at its fifty-seventh session.

The Council also endorses the Commission's request to the Secretary-General to provide the Special Rapporteur, within the limits of the United Nations regular budget, with any assistance needed for the discharge of his mandate.

[See chap. II, sect. A, resolution 2000/42,
and chap. XI.]

24. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/43 of 20 April 2000, approves the Commission's recommendation to the Special Rapporteur to present an interim report to the General Assembly at its fifty-fifth session on the overall trends and developments with regard to his mandate and a full report to the Commission at its fifty-seventh session, including all replies sent by Governments that are received in any of the official languages of the United Nations.

[See chap. II, sect. A, resolution 2000/43,
and chap. XI.]

25. Elimination of violence against women

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/45 of 20 April 2000, endorses the Commission's decision to renew for a period of three years the mandate of the Special Rapporteur on violence against women, its causes and consequences.

The Council approves the Commission's renewed request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies.

[See chap. II, sect. A, resolution 2000/45,
and chap. XII.]

26. Integrating the human rights of women throughout the United Nations system

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/46 of 20 April 2000, endorses the Commission's decision to integrate a gender perspective into all agenda items of the Commission.

[See chap. II, sect. A, resolution 2000/46,
and chap. XII.]

27. Human rights of migrants

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/48 of 25 April 2000, recommends that the Secretary-General adopt 18 December as International Migrant's Day.

[See chap. II, sect. A, resolution 2000/48,
and chap. XIV.]

28. Human rights of persons with disabilities

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/51 of 25 April 2000, approves the Commission's invitation to the Special Rapporteur of the Commission for Social Development to address the Commission on Human Rights at its fifty-eighth session, and its request to the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities.

[See chap. II, sect. A, resolution 2000/51,
and chap. XIV]

29. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/52 of 25 April 2000, approves the Commission's appeal to the Office of the United Nations High Commissioner for Human Rights to consider favourably the recommendation of the Working Group on Minorities to organize a seminar for representative of international and regional organizations, treaty bodies and specialized agencies, to discuss issues concerning their respective work on the protection of minorities, improve coordination so as to reduce duplication and parallel activities, exchange information and seek ways of better protecting the rights of persons belonging to minorities.

[See chap. II, sect. A, resolution 2000/52,
and chap. XIV.]

30. Internally displaced persons

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/53 of 25 April 2000, approves the Commission's request to the Secretary-General to provide his Representative on internally displaced persons, from within existing resources, with all necessary assistance to carry out his mandate effectively, and its appeal to the Representative of the Secretary-General to continue to seek the contribution of States, relevant organizations and institutions in order to put the work of the Representative on a more stable basis.

The Council also approves the Commission's request to the Representative of the Secretary-General to continue to report on his activities, to the General Assembly and to the Commission on Human Rights.

[See chap. II, sect. A, resolution 2000/53,
and chap. XIV.]

31. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/56 of 25 April 2000, authorizes the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights to meet for five working days prior to the fifty-second session of the Sub-Commission, and approves the Commission's request to the Secretary-General to provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work.

[See chap. II, sect. A, resolution 2000/56,
and chap. XV.]

32. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/57 of 25 April 2000, authorizes the Working Group of the Commission on a draft United Nations declaration on the rights of indigenous peoples to meet for a period of 10 working days prior to the fifty-seventh session of the Commission, the costs of the meeting to be met from within existing resources.

[See chap. II, sect. A, resolution 2000/57,
and chap. XV.]

33. Situation in the Republic of Chechnya of the Russian Federation

The Economic and Social Council, taking note of Commission on Human Rights

resolution 2000/58 of 25 April 2000, approves the Commission's request to the relevant special rapporteurs and working groups of the Commission, i.e. the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on violence against women, the Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General for children and armed conflict, to undertake missions to the Republic of Chechnya and neighbouring republics without delay, and to submit reports to the Commission and to the General Assembly as soon as possible.

[See chap. II, sect. A, resolution 2000/58,
and chap. IX.]

34. Abduction of children from northern Uganda

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/60 of 26 April 2000, approves the Commission's request to the Office of the United Nations High Commissioner for Human Rights to undertake an assessment of the situation on the ground in the affected areas, including the needs of the victims, in full consultation with the relevant United Nations organizations and non-governmental organizations, and to report to the Commission at its fifty-seventh session.

[See chap. II, sect. A, resolution 2000/60,
and chap. XIII.]

35. Human rights defenders

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/61 of 26 April 2000, endorses the Commission's decision to request the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms; the main activities of the special representative shall be:

(*a*) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(*b*) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

(*c*) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations.

[See chap. II, sect. A, resolution 2000/61,
and chap. XVII.]

36. Towards a culture of peace

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/66 of 26 April 2000, approves the Commission's request to the Office of the United Nations High Commissioner for Human Rights, in coordination with the Bureau of the Commission at its fifty-sixth session, to organize, provide the necessary resources, including financial resources, and coordinate, during the course of the International Year for a Culture of Peace, a panel/forum on a culture of peace, with participation open to Governments, non-governmental organizations and other interested organizations, focusing on the contribution of the promotion, protection and realization of all human rights to the further development of a culture of peace.

[See chap. II, sect. A, resolution 2000/66,
and chap. XVII.]

37. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/76 of 26 April 2000, approves the Commission's requests to the Secretary-General:

(*a*) To continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee of national institutions during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the United Nations High Commissioner for Human Rights;

(b) To continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions.

[See chap. II, sect. A, resolution 2000/76,
and chap. XVIII.]

38. Situation of human rights in Haiti

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/78 of 26 April 2000, approves the Commission's request to the United Nations High Commissioner for Human Rights to provide all necessary human and financial resources for the effective fulfilment of the mandate of the independent expert on the situation of human rights in Haiti, as well as its recommendation to the independent expert to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session on developments in the human rights situation in Haiti.

[See chap. II, sect. A, resolution 2000/78,
and chap. XIX.]

39. Situation of human rights in Cambodia

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/79 of 26 April 2000, approves the Commission's request to the Secretary-General to report to the Commission at its fifty-seventh session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia in matters within his mandate.

[See chap. II, sect. A, resolution 2000/79,
and chap. XIX.]

40. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/81 of 26 April 2000, endorses the Commission's decision to extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and to request the independent expert to report to the Commission on Human Rights at its fifty-seventh session;

The Council approves the Commission's request to the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the United Nations High Commissioner for Human Rights in providing advisory services and technical assistance.

The Council also approves the Commission's request to the High Commissioner to provide for the translation of Commission resolution 2000/81, accompanied by an appropriate background explanatory note, into the local language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi.

[See chap. II, sect. A, resolution 2000/81,
and chap. XIX.]

41. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/82 and decision 2000/109 of 26 April 2000, endorses the Commission's decision to discontinue the mandates of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and of the independent expert on structural policies and to appoint, for a period of three years, Mr. Fantu Cheru as independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic social and cultural rights, to submit an analytical report to the Commission, on an annual basis, on the implementation of Commission resolution 2000/82, paying particular attention to:

(*a*) The effects of the foreign debt and the policies adopted to face them on the full enjoyment of all human rights, in particular in particular economic, social and cultural rights in developing countries;

(*b*) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in development countries, especially the poorest and heavily indebted countries;

(*c*) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights;

The Council also approves the decision of the Commission to request him to provide an advance copy of his annual report to the Open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights in order to assist the group in the fulfilment of its mandate.

The Council also endorses the Commission's request to the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to perform his functions.

The Council also decides to authorize the Working Group on Structural Adjustment to meet for two weeks well in advance of, and at least four weeks prior to, the fifty-seventh session of the Commission with the mandate: (*a*) to continue working on the elaboration of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions and (*b*) to report to the Commission at its fifty-seventh session.

[See chap. II, sect. A, resolution 2000/82,
and chap. X]

42. Rights of the child

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/85 of 27 April 2000, endorses the Commission's decisions:

(*a*) With regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performances of the functions of the Committee;

(*b*) With regard to the Special Rapporteur on the sale of children, child prostitution and child pornography, to recommend that all the necessary human and financial assistance be provided for her work for the effective fulfilment of her mandate to enable her to submit an interim report to the General Assembly at its fifty-fifth session and a report to the Commission at its fifty-seventh session;

(*c*) With regard to the Special Representative of the Secretary-general on children and armed conflict, to recommend that the Special Representative and the relevant parts of the United Nations system continue to develop a concerted approach on the rights, protection and welfare of children affected by armed conflict, and to increase cooperation among their respective mandates and with national and international non-governmental organizations, including, as appropriate, in the planning of field visits and follow-up to the recommendations of the Special Representative.

The Council approves the Commission's recommendation that, within their mandates, all relevant human rights mechanisms, in particular special rapporteurs and working groups, and all other relevant organs and mechanisms of the United Nations system and the specialized agencies regularly and systematically take a child's rights perspective into account in the implementation of their mandates, especially by paying attention to particular situations in which children are in danger and where their rights are violated, and that they take into account the work of the Committee on the Rights of the Child.

[See chap. II, sect. A, resolution 2000/85,
and chap. XIII]

43. Human rights and thematic procedures

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/86 of 27 April 2000, approves the Commission's request to the Secretary-General, taking note of the recommendations of the meetings of the special rapporteurs, representatives, experts, chairpersons of working groups of the Commission and chairpersons of treaty bodies, to convene further such periodic meetings in order to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations.

The Council also approves the Commission's request to the Secretary-General, in implementing the United Nations budget for the current biennium, to ensure the availability of such resources as are necessary for the Office of the United Nations High Commissioner for Human Rights to support the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs, representatives, experts and working groups by the appropriate United Nations organs.

[See chap. II, sect. A, resolution 2000/86,
and chap. XVIII]

44. Globalization and its impact on the full enjoyment of all human rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/102 of 17 April 2000, decides to approve the appointment of Mr. Joseph Oloka-Onyango and Ms. Deepika Udagama as Special Rapporteurs to undertake a study on the issue of globalization and its impact on the full enjoyment of all human rights, paying specific attention to the recommendations made by the Sub-Commission on the Protection and Promotion of Human Rights and the Commission so as to refine the focus and methods of the study.

[See chap. II, sect. B, decision 2000/102,
and chap. X.]

45. The rights of non-citizens

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/104 of 25 April 2000, decides to authorize the Sub-Commission on the Promotion and Protection of Human Rights to appoint one of its members as special rapporteur with the task of preparing a comprehensive study of the rights of non-citizens, based on the working paper prepared by Mr. David Weissbrodt as well as the comments made and the discussions that took place at the fifty-first session of the Sub-Commission and at the fifty-sixth session of the Commission, and of submitting a preliminary report to the Sub-Commission at its fifty-third session, a progress report at its fifty-fourth session and a final report at its fifty-fifth session. The Council requests the Secretary-General to provide, from within existing resources, the Special Rapporteur with all the assistance necessary to enable him/her to accomplish this task.

[See chap. II, sect. B, decision 2000/104,
and chap. VI.]

46. Enhancing the effectiveness of the mechanisms of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, by which the Commission decided to approve and implement comprehensively and in its entirety the report of the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission (E/CN.4/2000/112), endorses the following specific decisions of the Commission:

(*a*) To merge the mandates of the independent expert on structural adjustment and the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights, thus creating a post of independent expert on structural adjustment and foreign debt;

(*b*) To establish a time-limit of two terms of three years for membership of special procedures working groups, as well as for Special Rapporteurs, whose position in relation to time-limits is covered by the Chairperson's statement of 29 April 1999. In the case of the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, as a transitional measure, turnover of membership in both groups shall be accomplished in incremental steps over a three-year period. In order to provide the appropriate continuity during this transitional period, two members shall be replaced in year one, two in year two, and one in year three;

(*c*) To reduce the duration of the annual meeting of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on the Promotion and Protection of Human Rights to five working days from the present eight days;

(*d*) To request the Chairperson of the Commission to convene a one-day informal meeting of the Commission in late September each year to facilitate exchange of information in advance of the General Assembly. Such a meeting shall be convened for the first time in September 2000;

(*e*) That the annual session of the Sub-Commission on the Promotion and Protection of Human Rights shall, from this year, be of three weeks' duration;

(*f*) That chairpersons of standard-setting working groups shall, if the working group considers it appropriate and in consultation with the Office of the United Nations High Commissioner for Human Rights, be provided with the necessary financial assistance to undertake informal consultations during the inter-sessional period with a view to advancing progress in respect of the working group's mandate.

[See chap. II, sect. B, decision 2000/109,
and chap. XX.]

47. Dates of the fifty-seventh session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/111 of 26 April 2000, approves the Commission's recommendations, bearing in mind Council decision 1997/291 of 22 July 1997, that the fifty-seventh session of the Commission should be scheduled to take place from 19 March to 27 April 2001.

[See chap. II, sect. B, decision 2000/111,
and chap. III.]

48. Organization of the work of the fifty-seventh session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/112 of 26 April 2000, authorizes, if possible from within existing financial resources, thirty fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-seventh session. The Council approves the Commission's request to the Chairperson of the fifty-seventh session of the Commission to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

[See chap. II, sect. B, decision 2000/112,
and chap. III.]

49. Question of resources for the Office of the United Nations High Commissioner for Human Rights

The Economic and Social Council, taking note of the statement agreed on by consensus by the Commission on Human Rights, made by the Chairperson of the Commission on 25 April 2000, approves the Commission's recommendation to the Council that additional resources be allocated to the Office of the United Nations High Commissioner for Human Rights, as already recommended in Commission resolutions 1998/83 of 24 April 1998, 1999/54 of 27 April 1999 and 2000/1 of 7 April 2000, to ensure that all necessary financial, material and personnel resources are provided to the Office of the High Commissioner commensurate to its increasing tasks.

[See chap. III.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-SIXTH SESSION

2000/1. Strengthening of the Office of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling all relevant resolutions of the General Assembly and the Commission on Human Rights, in particular Assembly resolution 48/141 of 20 December 1993 and Commission resolutions 1998/83 of 24 April 1998 and 1999/54 of 27 April 1999,

Underscoring the importance of the Office of the United Nations High Commissioner for Human Rights for all States,

Reaffirming the universal support for the creation of the post of High Commissioner for Human Rights and affirming, in order to promote and protect human rights, the need for continuing support by all States for the Office of the United Nations High Commissioner for Human Rights,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling that the mandate of the United Nations High Commissioner for Human Rights includes promotion and protection of the effective enjoyment by all of all civil, cultural, economic, political and social rights,

Recalling also that the mandate of the High Commissioner for Human Rights confers on her a central role in the realization of the right to development, Recalling further that the Vienna Declaration and Programme of Action adopted in June 1993 at the World Conference on Human Rights (A/CONF.157/23) recognized the necessity for an adaptation and strengthening of United Nations human rights machinery in accordance with current and future needs in the promotion and protection of human rights,

Recognizing the need for further and continued support and consideration of the programmes and activities of the Office of the High Commissioner,

1. Takes note of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2000/12 and Add.1);

2. Supports fully the Secretary-General and the High Commissioner in their efforts to strengthen the human rights activities of the United Nations;

3. Reaffirms the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue to ensure that the fulfilment of her mandate and the activities of her Office are guided by these principles;

4. Underlines that the Office of the High Commissioner is a common office for all and should therefore continue in its efforts to reflect diversity of backgrounds;

5. Encourages the Office of the High Commissioner to continue the current practice of making the best use of available human rights expertise relevant to and, as appropriate, from the regions where activities are undertaken;

6. Recalls that the Office of the High Commissioner, as part of the United Nations Secretariat, is governed by Article 101 of the Charter of the United Nations concerning staffing policies, which is important in the field of human rights;

7. Encourages the High Commissioner, within her mandate as set out in General Assembly resolution 48/141, to continue to play an active role in promoting and

protecting all human rights, including in the prevention of human rights violations throughout the world;

8. Reiterates the need to ensure that all necessary financial, material and personnel resources are provided from the regular budget of the United Nations without delay to the United Nations human rights programme to enable the Office of the High Commissioner to carry out its mandates efficiently, effectively and expeditiously;

9. Welcomes the increased voluntary contributions to the Office of the High Commissioner, in particular those from developing countries;

10. Reaffirms that the tasks of the High Commissioner include promoting and protecting the realization of the right to development and that the Office of the High Commissioner should provide adequate resources and staff for its follow-up;

11. Calls upon the High Commissioner to continue to emphasize the promotion and protection of economic, social and cultural rights in the activities of her Office and in that regard encourages the High Commissioner to continue to strengthen her relationship with the appropriate bodies, funds and specialized agencies of the United Nations;

12. Also calls upon the High Commissioner to continue to strengthen the management structure of her Office, including human resource management, and to improve the responsiveness of her Office in all priority areas, especially economic, social and cultural rights, which require particular research and analytical capacity;

13. Recommends that the Economic and Social Council and the General Assembly provide the Office of the High Commissioner with ways and means commensurate to its increasing tasks, as well as more resources for special rapporteurs;

14. Calls upon the High Commissioner to continue to provide to States, through informal briefings as well as in her report to the Commission, information on voluntary

contributions, including their share in the overall budget of the human rights programme and their allocation;

15. Declares that advisory services and technical cooperation provided at the request of Governments with a view to developing national capacities in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights and democracy;

16. Emphasizes the need for an increase in the allocation of resources from within the United Nations regular budget for advisory services and technical cooperation in the field of human rights;

17. Notes with interest the increase in the number of human rights field presences throughout the world and encourages the High Commissioner to consider their further improvement in cooperation with other relevant components of the United Nations system;

18. Welcomes the open-ended informal briefings provided by the Office of the High Commissioner and takes note with appreciation of these opportunities to discuss openly all aspects of the work of the Office;

19. Invites the High Commissioner to continue to provide information on cooperation with other United Nations bodies and with Governments and invites her to make available information concerning agreements with States and other United Nations bodies and their implementation, in an open and transparent manner, as appropriate;

20. Welcomes the launch of Annual Appeal 2000 which:

(*a*) Gives an overview of the activities and financial requirements of the Office and, in so doing, indicates the priorities for the year;

(*b*) Provides Member States with further information, thus facilitating dialogue on all aspects of the activities of the Office of the High Commissioner, particularly its programme activities and its funding;

(*c*) Provides greater transparency in the funding of the Office;

21. Invites the High Commissioner to inform Member States, as appropriate, on all aspects of follow-up to, and preparation of, annual appeals, including through the periodic information meeting, and looks forward to the publication of Annual Appeal 2001;

22. Notes the request by the High Commissioner that voluntary contributions should be unearmarked and asks all Governments to take into account that request;

23. Invites all Governments considering voluntary contributions to the Office of the High Commissioner to consider providing unearmarked contributions to the extent possible with a view to treating all human rights in a fair and equal manner;

24. Welcomes voluntary contributions by Governments within the framework of the Medium-Term Plan;

25. Invites the High Commissioner to submit information pursuant to the present resolution in her annual report to the Commission;

26. Decides to consider the implementation of the present resolution at its fifty-seventh session under the relevant agenda item.

35th meeting
7 April 2000
[Adopted without a vote. See chap. IV.]

2000/2. Question of Western Sahara

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling General Assembly resolution 54/87 of 6 December 1999,

Recalling also its resolution 1999/4 of 23 April 1999,

Recalling further the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

Recalling Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, in which the Council approved a settlement plan for Western Sahara,

Recalling also all the Security Council, General Assembly and Commission on Human Rights resolutions relating to the question of Western Sahara,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

Noting with satisfaction the entry into force of the ceasefire in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan, Noting also with satisfaction the agreements reached by the two parties during their private direct talks and stressing the importance it attaches to a full, fair and faithful implementation of the settlement plan and the agreements aimed at its implementation,

Noting further with satisfaction the progress made in the implementation of the settlement plan since December 1997,

Recalling Security Council resolutions 1131 (1997) of 29 September 1997, 1198 (1998) of 18 September 1998, 1204 (1998) of 30 October 1998 and 1215 (1998) of 17 December 1998, and taking note of Council resolutions 1224 (1999) of 28 January 1999, 1228 (1999) of 11 February 1999, 1232 (1999) of 30 March 1999 and 1235 (1999) of 30 April 1999,

Welcoming the acceptance by the two parties of the detailed modalities for the implementation of the Secretary-General's package of measures relating to the identification of voters, the appeals process and the revised implementation timetable,

Recalling that the General Assembly has examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/54/23 (Part II), chap. IX),

Recalling also that the General Assembly has examined the report of the Secretary-General (A/54/337),

1. Takes note of the report of the Secretary-General;

2. Recalls with satisfaction the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro for the implementation of the settlement plan during their private and direct talks under the auspices of Mr. James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and in good faith;

3. Commends the Secretary-General and his Personal Envoy for their efforts in reaching these agreements as well as the two parties for the cooperation they have shown, and urges them to continue this cooperation in order to facilitate the speedy implementation of the settlement plan;

4. Urges the two parties to continue their cooperation with the Secretary-General and his Personal Envoy, as well as with his Special Representative, and to refrain from undertaking anything that would undermine the implementation of the settlement plan and the agreements reached for its implementation;

5. Notes with satisfaction the progress achieved in connection with the implementation of the settlement plan and in this respect calls upon the two parties to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan;

6. Urges the two parties to implement faithfully and loyally the Secretary-General's package of measures relating to the identification of voters, the appeals process and the revised implementation timetable;

7. Reaffirms the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

8. Also reaffirms its support for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum on self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), in which the Council approved the settlement plan for Western Sahara;

9. Recalls Security Council resolution 1131 (1997) of 29 September 1997, and takes note of Council resolutions 1238 (1999) of 14 May 1999 and 1263 (1999) of 13 September 1999;

10. Notes that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the Assembly at its fifty-fifth session;

11. Also notes that the General Assembly has invited the Secretary-General to submit to it, at its fifty-fifth session, a report on the implementation of Assembly resolution 54/87.

35th meeting
7 April 2000
[Adopted without a vote. See chap. V.]

2000/3. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Recalling General Assembly resolution 54/151 of 17 December 1999 and recalling its own resolution 1999/3 of 23 April 1999,

Recalling also all of its relevant resolutions, in which, *inter alia*, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, *inter alia*, the Convention of the Organization of African Unity on the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that by virtue of the principle of self-determination, as developed in the Declaration on Principles of International Law concerning Friendly Relations among States in accordance with the Charter of the United Nations, all peoples have the right to determine freely, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Recognizing that mercenary activities are continuing to increase in many parts of the world and are taking on new forms, permitting mercenaries to operate in a better organized way, with increased pay, and that their numbers have grown and more persons are prepared to become mercenaries,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. Welcomes the report of the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2000/14 and Corr.1);

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Recognizes that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, *inter alia* , encourage the demand for mercenaries on the global market;

4. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State, or dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right to self-determination of peoples;

5. Calls upon all States that have not yet done so to consider taking the necessary action to sign or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

6. Welcomes the cooperation extended by those countries that received a visit by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;

7. Also welcomes the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. Invites States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur;

9. Requests the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of his mandate;

10. Decides, in accordance with the request of the General Assembly, to convene a workshop on the traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination before the fifty-fifth session of the General Assembly and requests the High Commissioner to report on the outcome of the workshop to the Commission at its fifty-seventh session;

11. Reiterates the importance of a clearer legal definition of mercenaries that would make for more efficient prevention and punishment of mercenary activities;

12. Urges all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

13. Requests the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenary activities on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

14. Requests the Special Rapporteur to consult States, intergovernmental and non-governmental organizations in the implementation of the current resolution and to report, with specific recommendations, his findings on the use of mercenaries to undermine the right to self-determination to the Commission at its fifty-seventh session;

15. Decides to consider at its fifty-seventh session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the same agenda item.

35th meeting
7 April 2000
[Adopted by a roll-call vote of 35 votes to 11, with 5 abstentions.
See chap. V.]

2000/4. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right of self-determination,

Guided further by the provisions of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation, Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also its previous resolutions in this regard, the latest of which is its resolution 1999/55 of 27 April 1999,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law,

1. Reaffirms the permanent and unqualified Palestinian right to self-determination, including the option of a State, and looks forward to the early fulfilment of this right;

2. Requests the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to disseminate it on the widest possible scale and to make available to the Commission, prior to the convening of its fifty-seventh session, all information pertaining to the implementation of the present resolution by the Government of Israel;

3. Decides to include in the provisional agenda of its fifty-seventh session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that agenda item, as a matter of high priority.

35th meeting
7 April 2000
[Adopted by a roll-call vote of 44 votes to 1, with 6 abstentions.
See chap. V.]

2000/5. The right to development

The Commission on Human Rights

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

Noting that the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

Recognizing that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action adopted in June 1993 (A/CONF.157/23) through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights,

Expressing its concern, more than fifty years after the adoption of the Universal Declaration of Human Rights, that the unacceptable situation of absolute poverty, hunger, disease, lack of adequate shelter, illiteracy and hopelessness remains the lot of over one billion people,

Emphasizing that the promotion, protection and realization of the right to development are an integral part of the promotion and protection of all human rights,

Noting that the human person is the central subject of development and that development policy should therefore make the human being the main participant and beneficiary of development, Stressing the importance of creating an economic, political, social, cultural and legal environment that will enable people to achieve social development,

Affirming the need to apply a gender perspective in the implementation of the right to development, *inter alia* by ensuring that women play an active role in the development process,

Emphasizing that the empowerment of women and their full participation on a basis of equality in all spheres of society is fundamental for development,

Underlining the fact that realization of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Welcoming in this regard the adoption by the General Assembly of the Agenda for Development, annexed to its resolution 51/240 of 20 June 1997, which declares that development is one of the main priorities of the United Nations and which aims at invigorating a renewed and strengthened partnership for development, based on the imperatives of mutual benefits and genuine interdependence,

Noting with concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes, national development strategies and policies, and activities of international organizations,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Underlining the important role of the United Nations High Commissioner for Human Rights in the promotion and protection of the right to development, as mandated in paragraph 4 (*c*) of General Assembly resolution 48/141 of 20 December 1993, _Recalling_ its resolution 1999/79 of 28 April 1999 and noting General Assembly resolution 54/175 of 17 December 1999,

Welcoming the report of the Intergovernmental Group of Experts (E/CN.4/1998/29), including the proposed strategy contained therein, and welcoming in particular the recommendation that a follow-up mechanism be established to ensure promotion and implementation of the Declaration on the Right to Development,

1. _Reaffirms_ the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of their fundamental human rights, as well as the potential contribution its realization could make to the full enjoyment of human rights and fundamental freedoms;

2. _Recognizes_ that the passage of more than 50 years since the adoption of the Universal Declaration of Human Rights demands that we strengthen efforts to place all human rights - and, in this context, the right to development in particular - at the top of the global agenda;

3. _Reiterates_ that:

(*a*) The essence of the right to development is the principle that the human person is the central subject of development and that the right to life includes within it existence in human dignity with the minimum necessities of life;

(*b*) The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

(*c*) For peace and stability to endure, national action and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

4. Reaffirms that democracy, development and respect for human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing, and in this context affirms that:

(*a*) Development experiences of countries reflect differences with regard to both progress and setbacks, and that the development spectrum has a wide range, not only between countries but also within countries;

(*b*) A number of developing countries have experienced rapid economic growth in the recent past and have become dynamic partners in the international economy;

(*c*) At the same time, the gap between developed and developing countries remains unacceptably wide and developing countries continue to face difficulties in participating in the globalization process, and many risk being marginalized and effectively excluded from its benefits;

(*d*) Democracy, which is spreading everywhere, has raised development expectations everywhere, that their non-fulfilment risks rekindling non-democratic forces, and that structural reforms that do not take social realities into account could destabilize democratization processes;

(*e*) Effective popular participation is an essential component of successful and lasting development;

(*f*) Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social- and people-centred sustainable development;

(*g*) The participation of developing countries in the international economic decision-making process needs to be broadened and strengthened;

5. Urges all States to eliminate all obstacles to development at all levels, by pursuing the promotion and protection of economic, social, cultural, civil and political rights and by implementing comprehensive development programmes at the national level, integrating these rights into development activities, and by promoting effective international cooperation;

6. Reaffirms that all human rights are universal, indivisible, interdependent and interrelated and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured;

7. Affirms that international cooperation is acknowledged more than ever as a necessity deriving from recognized mutual interest, and therefore that such cooperation should be strengthened in order to support the efforts of developing countries to solve their social and economic problems and to fulfil their obligations to promote and protect all human rights;

8. Welcomes the intention of the Secretary-General to give high priority to the right to development and urges all States to promote further the right to development as a vital element in a balanced human rights programme;

9. Also welcomes the high priority assigned by the United Nations High Commissioner for Human Rights to activities relating to the right to development and urges the Office of the High Commissioner to continue implementing Commission resolution 1998/72 of 22 April 1998;

10. Further welcomes the decision by the Economic and Social Council to authorize the establishment by the Commission of a follow-up mechanism, consisting of an open-ended Working Group on the Right to Development and an independent expert with a mandate to present to the Working Group at each of its sessions a study on the current state of progress in the implementation of the right to development, as provided in Commission resolution 1998/72;

11. Welcomes the unanimous confirmation of Mr. M.S. Dembri of Algeria as the Chairman of the Working Group on the Right to Development and encourages the Chairman to undertake informal consultations, at his discretion, with all the relevant role players and/or

interested parties with a view to preparing for the convening of the first session of the Working Group no later than the end of September 2000;

12. Also welcomes the consensus reached between all parties on the need for the Working Group on the Right to Development to convene in two sessions, of five days each, before the fifty-seventh session of the Commission;

13. Invites the High Commissioner to submit a report to the Commission each year for the duration of the mechanism, to provide interim reports to the Working Group on the Right to Development and to make those reports available to the independent expert, in each case covering:

(*a*) The activities of her Office relating to the implementation of the right to development as contained in her mandate;

(*b*) The implementation of resolutions of the Commission and the General Assembly with regard to the right to development;

(*c*) Inter-agency coordination within the United Nations system for the implementation of relevant resolutions of the Commission in that regard;

14. Requests the Secretary-General to submit to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session a comprehensive report on the implementation of the various provisions of the present resolution;

15. Urges the United Nations system to continue to support the implementation of the recent resolutions of the Commission on Human Rights regarding the right to development;

16. Calls upon the Secretary-General to ensure that the Working Group on the Right to Development and the independent expert receive all necessary assistance, in particular the staff and resources required to fulfil their mandates;

17. Calls upon the Working Group on the Right to Development to take note of the deliberations on the right to development during the fifty-sixth session of the Commission and any other issue relevant to the right to development;

18. Decides to continue consideration of this question, as a matter of priority, at its fifty-seventh session.

46th meeting
13 April 2000
[Adopted without a vote. See chap. VII.]

2000/6. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Occupied Palestinian Territory, including East Jerusalem, and other occupied Arab territories,

Recalling also the General Assembly resolutions on Israeli violations of human rights in the Occupied Palestinian Territory, including East Jerusalem, occupied since 1967,

Recalling further the provisions of the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Taking note of the report (E/CN.4/2000/25) of the Special Rapporteur, Mr. Giorgio Giacomelli, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993, Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, including the latest (A/54/325 and A/54/73 and Add.1),

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights, and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Gravely concerned at the stagnation of the peace process because of the contempt of the Government of Israel for the principles on which that process was based, and its refusal to carry out its commitments in line with the agreements it signed with the Palestine Liberation Organization, on the basis of land for peace, in Washington, Cairo, Hebron, Wye River and Sharm el Sheikh,

Recalling all its previous resolutions on the subject, including the latest, resolution 1999/5 of 23 April 1999,

1. Condemns the continued violations of human rights in the Occupied Palestinian Territory, including East Jerusalem, in particular the continuation of acts of wounding and killing perpetrated by Israeli soldiers and settlers against Palestinians, in addition to the detention of thousands of Palestinians without trial, the continuation of the confiscation of Palestinian lands, the extension and the establishment of Israeli settlements thereon, the confiscation of Palestinian property and expropriation of their land, the demolition of Palestinian homes and the uprooting of fruit trees, and calls upon Israel to cease immediately these acts, which constitute grave violations of human rights and of the principles of international law and also constitute a major obstacle in the way of the peace process;

2. Also condemns the expropriation of Palestinian homes in Jerusalem, the revocation of identity cards of the citizens of the Palestinian city of Jerusalem, the imposition of fabricated and exorbitant taxes with the aim of forcing the Palestinian citizens of Jerusalem, who cannot afford to pay these high taxes, out of their homes and out of their city, preparing in this way the path for the Judaization of Jerusalem, and calls upon the Government of Israel to put an end immediately to these practices;

3. Further condemns the use of torture against Palestinians during interrogation, as it constitutes a grave breach of the principles of international humanitarian law and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and calls upon the Government of Israel to put an end immediately to the use of such practices;

4. Reaffirms that all the Israeli settlements in the Palestinian territory occupied since 1967, including East Jerusalem, are illegal, constitute a flagrant violation of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the principles of international law, and should be dismantled in order to achieve a just, permanent and comprehensive peace in the region of the Middle East;

5. Also reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to the Palestinian territory and other Arab territories occupied by Israel since 1967, including East Jerusalem, and considers any change in the geographical and demographic status of the city of East Jerusalem from its situation prior to the June 1967 war to be illegal and void;

6. Calls upon Israel to cease immediately its policy of enforcing collective punishments, such as demolition of houses and closure of the Palestinian territory, measures which constitute flagrant violations of international law and international humanitarian law, endanger the lives of Palestinians and also constitute a major obstacle in the way of peace;

7. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Occupied Palestinian Territory, including East Jerusalem, and other occupied Arab territories, and to respect the bases of international law, the principles of

international humanitarian law, its international commitments and the agreements it signed with the Palestine Liberation Organization in relation to the peace process;

8. Also calls upon Israel to withdraw from the Palestinian territory, including East Jerusalem, and the other Arab territories occupied since 1967, in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights, as a basic condition for achieving a just, lasting and comprehensive peace in the Middle East;

9. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-seventh session;

10. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

11. Decides to consider this question at its fifty-seventh session under the same agenda item, as a matter of high priority.

52nd meeting
17 April 2000
[Adopted by a roll-call vote of 31 votes, to 1,
with 19 absentions. See chap. VIII]

2000/7. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967, Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 54/80 of 6 December 1999, in which the Assembly, *inter alia*, called upon Israel to comply with Security Council resolution 497 (1981), to put an end to its practices violating the rights of the Syrian citizens in the occupied Syrian Golan and to put an end to its occupation of the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/54/325) and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations , international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace, which aims at the establishment of a just and comprehensive peace in the Middle East, Expressing its concern about the stoppage of the peace process on the Syrian and Lebanese tracks, and hoping that the commitments and guarantees reached during the previous talks will be respected in order that the talks may resume as soon as possible on both tracks,

Reaffirming its previous relevant resolutions, the most recent being resolution 1999/6 of 23 April 1999,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council, *inter alia*, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. Further calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-seventh session;

7. Decides to include in the provisional agenda of its fifty-seventh session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

52nd meeting
17 April 2000
[Adopted by a roll-call vote of 31 votes to 1, with 19 absentions. See chap. VIII.]

2000/8. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem,

Recalling its previous resolutions, most recently resolution 1999/7 of 23 April 1999, in which, *inter alia*, it reaffirmed the illegality of the Israeli settlements in the occupied territories,

1. Welcomes:

(*a*) The Sharm el Sheikh memorandum of 4 September 1999, while noting with concern the delays in its implementation, and calls for the full implementation of the memorandum, as well as of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995 and other related agreements;

(*b*) The report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2000/25) and hopes that the Government of Israel will cooperate with the Special Rapporteur to allow him fully to discharge his mandate;

2. Expresses its grave concern:

(*a*) At the continuing Israeli settlement activities, in spite of the Government's moratorium on new construction permits, including the expansion of the settlements, the installation of settlers in the occupied territories, the expropriation of land, the demolition of houses, the confiscation of property, the expulsion of local residents and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem, since all these actions are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and are a major obstacle to peace;

(*b*) At and strongly condemns all acts of terrorism, whilst calling upon all parties not to allow any acts of terrorism to affect the ongoing peace process negatively;

3. Urges the Government of Israel:

(*a*) To comply fully with the previous Commission resolutions on the subject, most recently resolution 1999/7 of 23 April 1999;

(*b*) To match its stated commitment to the peace process with concrete actions to fulfil its obligations and cease completely its policy of expanding the settlements and related activities in the occupied territories, including East Jerusalem;

(*c*) To forgo and prevent any new installation of settlers in the occupied territories;

4. Decides to continue its consideration of this question at its fifty-seventh session.

52nd meeting
17 April 2000
[Adopted by a roll-call vote of 50 votes to 1,
with 1 absention. See chap. VIII.]

2000/9. Question of the realization in all countries of the economic, social and cultural rights contained in the Univeral Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling its previous resolutions on the realization of economic, social and cultural rights, including resolution 1998/33 of 17 April 1998, in which it decided, *inter alia* as part of its efforts to impart a higher visibility to economic, social and cultural rights, to appoint, for a period of three years, a special rapporteur whose mandate would focus on the right to education,

Taking note with interest of ongoing new approaches to the realization of economic, social and cultural rights, and considering that to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels, additional approaches should be examined,

1. Notes with interest:

(*a*) The report of the Secretary-General on the implementation of its resolution 1999/25 of 26 April 1999 (E/CN.4/2000/47), the report submitted to the Economic and Social Council by the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 48/141 of 20 December 1993 (E/1999/96), the report of the High Commissioner on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2000/49), as well as all other relevant reports of the High Commissioner on economic, social and cultural rights and activities of intergovernmental and non-governmental organizations in that regard;

(*b*) The unanimous adoption by the International Labour Conference, in June 1999, of International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(*c*) The work carried out by the Committee on Economic, Social and Cultural Rights, including the assistance given to States parties in the fulfilment of their obligations through its general comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant), No. 12 (1999) on the right to adequate food (art. 11 of the Covenant), and No. 13 (1999) on the right to education (art. 13 of the Covenant);

(*d*) The work of the Committee on the Rights of the Child in the promotion of economic, social and cultural rights of children;

(*e*) The convening in March 1999 by the United Nations Centre for Human Settlements (Habitat) and the Office of the United Nations High Commissioner for Human Rights of an expert group meeting on practical aspects of the human right to adequate housing, which recommended, *inter alia*, the appointment of a special rapporteur on housing rights;

(*f*) Efforts of the High Commissioner within the United Nations Development Group to promote economic, social and cultural rights;

(*g*) The elaboration of training programmes in the Office of the High Commissioner to develop in-house expertise in incorporating economic, social and cultural rights in technical cooperation projects, and the inclusion of economic, social and cultural rights aspects in the Office's manuals and methodological materials for technical cooperation programmes and field activities;

2. Welcomes ongoing efforts by the Economic and Social Council and the General Assembly towards a coordinated follow-up to relevant United Nations world conferences and summits, notably the World Food Summit held in Rome in November 1996, the United Nations Conference on Human Settlements (Habitat II) held in Istanbul in June 1996, the World Summit for Social Development, held in Copenhagen in March 1995, the Fourth World Conference on Women, held in Beijing in September 1995, the International Conference on Population and Development, held in Cairo in September 1994 and the World Conference on Education for All, held in Jomtien, Thailand, in March 1990, which should provide a framework for setting goals, outlining new approaches and developing supportive partnerships for the promotion and protection of all human rights, notably economic, social and cultural rights;

3. Reaffirms:

(*a*) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights;

(*b*) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(*c*) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(*d*) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(*e*) The importance of international cooperation for the promotion and protection of all human rights, including economic, social and cultural rights;

(*f*) That the realization of all human rights and fundamental freedoms, and particularly economic, social and cultural rights, is a dynamic process and that, as is evident in today's world, a great deal remains to be accomplished;

4. Calls upon all States:

(*a*) To give full effect to economic, social and cultural rights;

(*b*) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights;

(*c*) To consider ratifying, as soon as possible, and the States parties to fully implement International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ;

(*d*) To guarantee that economic, social and cultural rights will be exercised without discrimination of any kind;

(*e*) To secure progressively, through national development policies and with international assistance and cooperation, full realization of economic, social and cultural rights, giving particular attention to the individuals, most often women and children, especially girls, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(*f*) To consider in this context, as appropriate, the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

(*g*) To help alleviate the unsustainable external debt burden of countries that meet the criteria of the Heavily Indebted Poor Countries Initiative, which should further strengthen the efforts of the Governments of these countries to realize economic, social and cultural rights, *inter alia* through the development and implementation of programmes such as the Bolsa-Escola programme in Brazil, as well as the prevention of the spread of the human immunodeficiency virus/acquired immune deficiency syndrome pandemic in Africa and the reconstruction of countries affected by natural disasters;

(*h*) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights;

5. Calls upon States parties to the International Covenant on Economic, Social and Cultural Rights:

(*a*) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner;

(*b*) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(c) To withdraw reservations incompatible with the object and purpose of the Covenant and to consider reviewing other reservations with a view to withdrawing them;

6. Recalls that international cooperation in solving international problems of an economic, social and cultural character, and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights;

7. Decides:

(a) To encourage the Committee on Economic, Social and Cultural Rights to continue its efforts towards the promotion and protection of human rights at the national and international levels and the full realization of specific rights, notably through the drafting of further general comments, thus making the experience gained so far through the examination of States parties' reports available for the benefit of all States parties in order to assist and promote their further implementation of the International Covenant on Economic, Social and Cultural Rights;

(b) To request the High Commissioner to invite all States, intergovernmental organizations and non-governmental organizations which have not yet done so to submit their comments on the report by the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex), as well as to invite all States to submit their comments on the options relating to the proposal for a draft optional protocol, contained in her report on the draft optional protocol to the Covenant (E/CN.4/2000/49), or to propose any other option that would be conducive to a substantive dialogue, giving due regard to the respective roles of the Committee and the Sub-Commission on the Promotion and Protection of Human Rights;

(c) To appoint, for a period of three years, a special rapporteur whose mandate will focus on adequate housing as a component of the right to an adequate standard of living, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 11,

paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, and article 27, paragraph 3, of the Convention on the Rights of the Child, and on the right to non-discrimination as reflected in article 14, paragraph 2 (*h*) of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (*e*) of the International Convention on the Elimination of All Forms of Racial Discrimination;

(d) To request the Special Rapporteur, in the fulfilment of her/his mandate:

(i) To report on the status, throughout the world, of the realization of the rights that are relevant to the mandate, in accordance with the provisions of the relevant instrument, and on developments relating to these rights, including on laws, policies and good practices most beneficial to their enjoyment and difficulties and obstacles encountered domestically and internationally, taking into account information received from Governments, organizations and bodies of the United Nations system, other relevant international organizations and non-governmental organizations;

(ii) To promote, as appropriate, cooperation among and assistance to Governments in their efforts to secure these rights;

(iii) To apply a gender perspective in her/his work;

(iv) To develop a regular dialogue and discuss possible areas of collaboration with Governments, relevant United Nations bodies, specialized agencies, international organizations in the field of housing rights, *inter alia,* the United Nations Centre for Human Settlements (Habitat), non-governmental organizations and international financial institutions, and to make recommendations on the realization of the rights relevant to the mandate;

(v) To identify possible types and sources of financing for relevant advisory services and technical cooperation;

(vi) To facilitate, where appropriate, the inclusion of issues relating to the mandate in relevant United Nations missions, field presences and national offices;

(vii) To submit to the Commission an annual report covering the activities relating to the mandate;

(*e*) To request the High Commissioner to provide all the necessary resources for the effective fulfilment of the mandate of the Special Rapporteur;

(*f*) To encourage the High Commissioner to strengthen the research and analytical capacities of her Office in the field of economic, social and cultural rights, and to share her expertise, *inter alia* through the holding of expert meetings;

(*g*) To encourage the High Commissioner to continue to ensure better support for the Committee on Economic, Social and Cultural Rights, in particular under the Programme of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1997/22-E/C.12/1996/6, annex VII) adopted by the Committee at its fifteenth session;

(*h*) To encourage the High Commissioner to continue to provide or to facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;

(*i*) To support the efforts carried out by the High Commissioner for Human Rights to implement the proposed programme of action designed to enhance the ability of the Committee on Economic, Social and Cultural Rights to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States parties' reports and, accordingly, to request States parties to the Covenant to make voluntary financial contributions to ensure the adequate implementation of that Programme of Action;

II.

8. Notes with interest:

(*a*) The report of the Special Rapporteur on the right to education (E/CN.4/ 2000/6 and Add.1 and 2);

(*b*) The work of the Committee on the Rights of the Child in the promotion of the right to education;

(*c*) The established cooperation between the Special Rapporteur and the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child;

(*d*) The established dialogue with the World Bank to promote the right to education in its strategies;

9. Welcomes:

(*a*) The focus given by the Special Rapporteur on the right to education to the identification of obstacles to the realization of the right to education at the domestic and international levels, to the mainstreaming of gender and to the legal enforcement of the right to education;

(*b*) The convening of the World Education Forum in Dakar from 26 to 28 April 2000, which constitutes the follow-up to the World Conference on Education for All, which should provide a framework for setting goals, outlining new approaches and developing supportive partnerships and reaffirm the need for primary education to be universal, compulsory and free of charge;

10. Invites the Special Rapporteur to continue to work in accordance with her mandate and notably to intensify her efforts to identify ways and means to overcome obstacles and difficulties in the realization of the right to education, notably through international cooperation;

11. Calls upon all States:

(*a*) To give full effect to the right to education;

(*b*) To guarantee that the right to education will be exercised without discrimination of any kind;

(*c*) To cooperate with the Special Rapporteur;

12. Decides:

(*a*) To request the Special Rapporteur on the right to education to submit a report to the Commission at its fifty-seventh session;

(*b*) To reiterate its request to the High Commissioner to organize in 2001, the year of the twenty-fifth anniversary of the entry into force of the International Covenant on Economic, Social and Cultural Rights, a workshop to identify progressive developmental benchmarks and indicators related to the right to education, as set out in paragraph 6 (*b*) of Commission resolution 1999/25;

(*c*) To reiterate its invitation to the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to continue to develop a regular dialogue with the Special Rapporteur and to submit to the Commission information pertaining to their activities in promoting primary education, with specific reference to women and children, particularly girls,

13. Requests the Secretary-General to provide the Special Rapporteur on the right to education with all the assistance necessary for the execution of the mandate.

III.

14. Requests the Secretary-General to submit to the Commission at its fifty-seventh session a report on the implementation of the present resolution.

15. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 4 .]

52nd meeting
17 April 2000
[Adopted without a vote. See chap. X.]

2000/10. The right to food

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her/his health and well-being, including food,

Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Recalling further the Universal Declaration on the Eradication of Hunger and Malnutrition,

Bearing in mind the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, held in Rome from 13 to 17 November 1996,

Recalling all its previous resolutions in this regard, in particular resolution 1999/24 of 26 April 1999,

Recognizing that the problem of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources, Reaffirming that a peaceful, stable and enabling political, social and economic environment, both at a national and an international level, is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures not in accordance with international law and the Charter of the United Nations which endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action of the World Summit and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. Reaffirms that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. Also reaffirms the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. Considers intolerable that 825 million people, most of them women and children, throughout the world and particularly in developing countries, do not have enough food to meet

their basic nutritional needs, which infringes their fundamental human rights and at the same time can generate additional pressures upon the environment in ecologically fragile areas;

4. Stresses the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. Encourages all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and as soon as possible enjoy fully the right to food;

6. Takes note with interest of the updated study on the right to adequate food and to be free from hunger submitted by Mr. Asbjørn Eide to the Sub-Commission on the Promotion and Protection of Human Rights, in accordance with Sub-Commission decision 1998/106 (E/CN.4/Sub.2/1999/12);

7. Also takes note with interest of the report submitted by the United Nations High Commissioner for Human Rights on the right to food, in accordance with Commission resolution 1999/24 (E/CN.4/2000/48 and Add. 1);

8. Welcomes the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (art. 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, *inter alia*, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

9. Recommends that the High Commissioner organize a third expert consultation on the right to food, following those held in 1997 and 1998, this time with a focus on implementation mechanisms at country level, inviting experts from all regions to share their experience;

10. Decides, in order to respond fully to the necessity for an integrated and coordinated approach in the promotion and protection of the right to food, to appoint, for a period of three years, a special rapporteur, whose mandate will focus on the right to food;

11. Requests the Special Rapporteur on the right to food, in the fulfilment of her/his mandate, to accomplish the following main activities:

(*a*) To seek, receive and respond to information on all aspects of the realization of the right to food, including the urgent necessity of eradicating hunger;

(*b*) To establish cooperation with Governments, intergovernmental organizations, in particular the Food and Agriculture Organization of the United Nations, and non-governmental organizations, on the promotion and effective implementation of the right to food, and to make appropriate recommendations on the realization thereof, taking into consideration the work already done in this field throughout the United Nations system;

(*c*) To identify emerging issues related to the right to food worldwide;

12. Requests the High Commissioner to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

13. Requests the Special Rapporteur to submit a report on the implementation of the present resolution to the Commission at its fifty-seventh session;

14. Requests Governments, relevant United Nations agencies, funds and programmes, treaty bodies, as well as non-governmental organizations, to cooperate fully with the Special Rapporteur in the fulfilment of her/his mandate, *inter alia* through the submission of comments

and suggestions on ways and means of realizing the right to food.

52nd meeting
17 April 2000
[Adopted by a roll-call vote of 49 votes to 1, with 2 abstentions.
See chap. X.]

2000/11. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and the principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32, which declares that no State may use or encourage the use of economic, political or any type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recalling its resolution 1999/21 of 23 April 1999 and noting General Assembly resolution 54/172 of 17 December 1999,

Taking note with interest of the report of the Secretary-General on human rights and unilateral coercive measures (E/CN.4/2000/46 and Add.1),

Recognizing and reiterating the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Expressing its concern about the negative impact of unilateral coercive measures in the field of international relations, trade, investment and cooperation,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the

United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Reaffirming that unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

1. Urges all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Invites all States to consider adopting administrative or legislative measures, as appropriate, when necessary, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all human rights of vast sectors of their populations, *inter alia,* children, women, the elderly, disabled and ill people;

4. Calls upon Member States that have initiated such measures to abide by the principles of international law, the Charter of the United Nations, the declarations of the

United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by revoking such measures at the earliest possible time;

5. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

6. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that under no circumstances should people be deprived of their own means of subsistence and development;

7. Underlines that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws which run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Intergovernmental Group of Experts on the Right to Development in its last report (E/CN.4/1998/29);

8. Invites the new Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development, which will meet after the fifty-sixth session of the Commission on Human Rights, to give due consideration to the question of human rights and the negative impact of unilateral coercive measures;

9. Invites all special rapporteurs and existing thematic mechanisms of the Commission in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

10. Decides to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

11. Requests:

(*a*) The United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

(*b*) The Secretary-General to bring the present resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission on Human Rights at its fifty-seventh session;

12. Decides to examine this question, on a priority basis, at its fifty-seventh session under the same agenda item.

52nd meeting
17 April 2000
[Adopted by a roll-call vote of 36 votes to 9,
with 7 abstentions. See chap. X.]

2000/12. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

Recalling in particular that article 25 of the Universal Declaration of Human Rights stipulates that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control, Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned that, 52 years after the adoption of the Universal Declaration of Human Rights, extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, disease, lack of adequate shelter, illiteracy and hopelessness are particularly severe in developing countries,

Bearing in mind the relevant provisions of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Recalling in particular that the World Conference on Human Rights reaffirms that least developed countries committed to the process of democratization and economic reforms, many of which are in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development,

Recalling General Assembly resolution 50/107 of 20 December 1995, in which the Assembly proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006), and noting the report of the Secretary-General on the implementation of the first Decade (A/54/316),

Recalling also General Assembly resolution 53/146 of 9 December 1998, on human rights and extreme poverty, in which the Assembly recalls that the mandate of the independent expert shall include to continue to take into account the efforts of the poorest people themselves and the conditions in which they can convey their experiences,

Welcoming the Declaration of the Microcredit Summit, held in Washington, D.C., in February 1997, which launched a global campaign to reach 100 million of the world's poorest families, especially women, with credit for self-employment by the year 2005, Stressing that, in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development held in March 1995 (A/CONF.166/9, chap. I, resolution 1), Governments committed themselves to endeavouring to ensure that all men and women, especially those living in poverty, could exercise the rights, utilize the resources and share the responsibilities that would enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind and committed themselves to the goal of eradicating poverty throughout the world through national actions and international cooperation, as an ethical, social, political and economic imperative of humankind,

Recalling the report of the Secretary-General on women's real enjoyment of their human rights, in particular those relating to the elimination of poverty, economic development and economic resources (E/CN.4/1998/22-E/CN.6/1998/11),

Noting with satisfaction the progress report submitted by the independent expert in accordance with Commission resolution 1999/26 (E/CN.4/2000/52) and the recommendations contained therein,

1. Reaffirms that:

(*a*) Extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(*b*) The right to life includes within it existence in human dignity with the minimum necessities of life;

(*c*) It is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the realization of human rights and in efforts to combat extreme poverty and for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic and social life, particularly the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

(*d*) The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

(*e*) For peace and stability to endure, national action and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

(*f*) According to the observations contained in the reports submitted by the independent expert on the question of human rights and extreme poverty (E/CN.4/1999/48 and E/CN.4/2000/52), the lack of political commitment, not financial resources, is the real obstacle to the eradication of poverty;

(*g*) Special attention must be given to the plight of women and children, who often bear the greatest burden of extreme poverty;

2. Recalls that:

(*a*) The Copenhagen Declaration on Social Development and Programme of Action of the World Summit on Social Development provide the substantive framework for eradicating poverty by setting specific targets, drawing up plans and implementing programmes;

(*b*) To ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is endured by people living in poverty, including women and children, and that thought must be given to the subject, drawing on the experience and ideas of the poorest themselves and of those committed to working alongside them;

(*c*) In its resolution 1997/11 of 3 April 1997, it requested the United Nations High Commissioner for Human Rights to give high priority to the question of human rights and extreme poverty, to ensure better cooperation between the institutions and bodies involved, regularly to inform the General Assembly of the evolution of the question and to submit specific information on this question at events such as the special session of the General Assembly devoted to conclusions of the World Summit for Social Development, scheduled for 2000, and the evaluation, at the halfway point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

(*d*) In her report of 11 September 1998 to the General Assembly on the mid-term evaluation of the Vienna Declaration and Programme of Action (A/53/372, annex), the High Commissioner proposes that the Second and Third Committees of the General Assembly should work jointly to implement the right to development by focusing on the elimination of poverty, with particular emphasis placed on basic security, which is necessary to enable individuals and families to enjoy fundamental rights and assume basic responsibilities;

3. Welcomes the increasing number of events associated with the celebration, on 17 October of each year, of International Day for the Eradication of Poverty and the opportunity which these events provide to people and populations living in extreme poverty to make their voices heard;

4. Expresses its appreciation:

(*a*) That an integrated approach is being followed by the United Nations system in addressing the question of extreme poverty;

(*b*) That the international financial institutions have developed new policies strengthening the human and social dimension of their action;

(*c*) For the initiatives taken in many countries by national education authorities to raise awareness among all children and young people of the existence of extreme poverty and the urgent need for united action to enable the poorest people to regain their rights;

5. Calls upon:

(*a*) The General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to take into account the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(*b*) States and intergovernmental and non-governmental organizations to continue to take into account, in the activities to be undertaken within the framework of the United Nations Decade for the Eradication of Poverty, the links between human rights and extreme poverty, as well as efforts to empower people living in poverty to participate in decision-making processes on policies that affect them;

(*c*) The United Nations to strengthen poverty eradication as a priority throughout the United Nations system;

6. Invites:

(*a*) The treaty bodies monitoring the application of human rights instruments, especially the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

(*b*) States, international organizations and non-governmental organizations to submit to the Secretary-General, by the fifty-seventh session of the Commission on Human Rights, their views and comments on the recommendations contained in the report of the independent expert on extreme poverty (E/CN.4/2000/52);

(*c*) The Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development, in its deliberations, to take into account the report of the independent expert;

7. Decides to renew, for a period of two years, the mandate of the independent expert on extreme poverty:

(*a*) To continue to evaluate the relationship between the promotion and protection of human rights and the eradication of extreme poverty, including through the identification of national and international good practices;

(*b*) To hold consultations, including during her visits, with the poorest people and the communities in which they live, on means of developing their capacity to express their views and to organize themselves and to involve national human rights bodies in this exercise;

(*c*) To consider strategies to overcome extreme poverty and the social impact of those strategies;

(*d*) To continue her cooperation with the international financial institutions, with a view to identifying the best programmes for combating extreme poverty;

(*e*) To contribute to the mid-term evaluation of the first United Nations Decade for the Eradication of Poverty, scheduled for 2002;

(*f*) To report on her activities to the Commission at its fifty-seventh and fifty-eighth sessions and to make those reports available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years;

8. Requests:

(*a*) The High Commissioner to organize, before the fifty-seventh session of the Commission on Human Rights, a seminar to consider the need to develop a draft declaration on extreme poverty and, if appropriate, to identify its specific points. In view of the need to take into account work undertaken elsewhere, an invitation to this seminar should be extended to government representatives and experts of the United Nations specialized agencies, funds and programmes, the relevant functional commissions of the Economic and Social Council, the regional economic commissions, the international financial institutions, the Sub-Commission on the Promotion and Protection of Human Rights and interested non-governmental organizations;

(*b*) The Secretary-General to support this initiative;

9. Decides to consider this question at its fifty-seventh session under the same agenda item;

10. Recommends the following draft decision to the Economic and Social Council:

[For the text, see chap. I, sect. B, draft decision 6.]

52nd meeting
17 April 2000
[Adopted without a vote. See chap. X.]

2000/13. Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I), the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development held in March 1995 (A/CONF.166/9, chap. I, resolution 1), and the Habitat Agenda adopted in June 1996 by the World Conference on Human Settlements (Habitat II) (A/CONF.165/14, chap. I, resolution 1, annex II), Reaffirming the human right to be free from discrimination and the equal right of women and men to the enjoyment of all civil, cultural, economic, political and social rights as stipulated, *inter alia*, in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling resolution 42/1 of the Commission on the Status of Women of 13 March 1998,

Taking note of resolution 1999/15 of the Sub-Commission on the Promotion and Protection of Human Rights of 25 August 1999, and recalling Sub-Commission resolutions 1998/15 of 20 August 1998 and 1997/19 of 27 August 1997,

Recognizing that laws, policies, customs and traditions that restrict women's equal access to credit and loans also prevent women from owning and inheriting land, property and housing and exclude women from participating fully in development processes, are discriminatory and may contribute to the feminization of poverty,

Recognizing also that the full and equal participation of women in all spheres of life is essential for the full and complete development of a country,

Stressing that the impact of gender-based discrimination and violence against women on women's equal ownership of, access to, and control over land and the equal rights to own property and to adequate housing is acute, particularly during complex emergency situations, reconstruction and rehabilitation,

Convinced that international, regional and local trade, finance and investment policies should be designed in such a way that they do not increase gender inequality in terms of ownership of, and access to, and control over land and the rights to own property and to adequate housing and other productive resources and undermine women's capacity to acquire and retain these resources,

Mindful of the fact that elimination of discrimination against women requires consideration of women's specific socio-economic context,

1. Affirms that discrimination in law against women with respect to acquiring and securing land, property and housing, as well as financing for land, property and housing, constitutes a violation of women's human right to protection against discrimination;

2. Reaffirms women's right to an adequate standard of living, including adequate housing as enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights;

3. Also reaffirms the obligations of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

4 Urges Governments to comply fully with their international and regional obligations and commitments concerning land tenure and the equal rights of women to own property and to an adequate standard of living, including adequate housing;

5. Reaffirms Commission on the Status of Women resolution 42/1 which, *inter alia*, urges States to design and revise laws to ensure that women are accorded full and equal rights to own land and other property, and the right to adequate housing, including through the right to inheritance, and to undertake administrative reforms and other necessary measures to give women the same right as men to credit, capital, appropriate technologies, access to markets and information;

6. Encourages Governments to support the transformation of customs and traditions that discriminate against women and deny women security of tenure and equal ownership of, access to and control over land and equal rights to own property and to adequate housing and to ensure the right of women to equal treatment in land and agrarian reform as well as in land resettlement schemes and in ownership of property and in adequate housing and to take other measures to increase land and housing availability to women living in poverty, particularly female heads of households;

7. Also encourages Governments, specialized agencies and other organizations of the United Nations system, international agencies and non-governmental organizations to provide judges, lawyers, political and other public officials, community leaders and other concerned persons, as appropriate, with information and human rights education concerning women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing;

8. Recommends that Governments encourage financial lending institutions to ensure that their policies and practices do not discriminate against women;

9. Also recommends that international financial institutions, regional, national and local housing financing institutions and other credit facilities promote the participation of women and take into account their views to remove discriminatory policies and practices, giving special consideration to single women and households headed by women, and that these institutions evaluate and measure progress to this end;

10. Invites the Secretary-General, as Chairman of the Administrative Committee on Coordination, to encourage all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Development Programme, the United Nations Centre for Human Settlements (Habitat) and the United Nations Development Fund for Women, to undertake further initiatives that promote women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, and allocate further resources for studying and documenting the impact of complex emergency situations, particularly with respect to women's equal rights to own land, property and adequate housing;

11. Invites the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees and other relevant international organizations to address discrimination against women with respect to land, property and adequate housing in their technical cooperation programmes and field activities;

12. Encourages all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates, including taking into account the present resolution;

13. Encourages the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for Human Settlements (Habitat) to take into account the contents of the present resolution in the development of the mandate of the United Nations housing rights programme;

14. Decides to consider the issue of women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing at its fifty-seventh session under the agenda item entitled "Economic, social and cultural rights".

52nd meeting
17 April 2000
[Adopted without a vote. See chap. X.]

2000/14 Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination, and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Taking note of General Assembly resolution 54/154 of 17 December 1999, in which the Assembly welcomed the offer by the Government of South Africa to host the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Reaffirming its resolution 1998/26 of 17 April 1998, in which it recommended that the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination should be focused on the preparatory process for the World Conference,

Recalling the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Bearing in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which call for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination against, *inter alia*, Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Reaffirming, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals residing in their territory against crimes perpetrated by racist or xenophobic individuals or groups,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, *inter alia*, inequitable distribution of wealth, marginalization and social exclusion,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Taking note of the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2000/82),

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be victims of varied forms of racism and racial discrimination,

Noting also with grave concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Deeply concerned that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Recalling General Assembly resolution 48/91 of 20 December 1993, in which the Assembly proclaimed the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and adopted the Programme of Action proposed for the Decade,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2000/16 and Add.1), Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Stressing the need to recognize that acts of violence motivated by racial discrimination and xenophobia are crimes punishable by law,

Also stressing the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

Recognizing that failure to combat racial discrimination and xenophobia, especially by public authorities and politicians, is a factor encouraging their perpetuation in society,

I. GENERAL

1. Expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and related intolerance, as well as all propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

2. Declares that racism and racial discrimination are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

3. Calls upon all States resolutely to bring to justice the perpetrators of crimes motivated by racism, and calls upon those who have not done so to consider including racist motivation as an aggravating factor for the purposes of sentencing;

4. Recognizes the vulnerability of victims of acts of racial discrimination, which violate their human rights and fundamental freedoms, as well as the difficulties they often face in seeking legal remedies, and in this regard calls upon all States to provide, when needed, legal assistance, in order to facilitate access to justice, as well as to consider establishing appropriate policies and structures at a national level, *inter alia*, an ombudsman to deal with these kinds of acts;

5. Calls upon all States to intensify their efforts in taking appropriate measures to prevent political parties from promoting and inciting racial discrimination in violation of human rights;

6. Underlines the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

7. Expresses its deep concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

8. Calls upon all States to review and, where necessary, revise their immigration policies which are inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants;

9. Condemns all forms of racial discrimination and xenophobia as regards access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;

10. Categorically condemns any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

11. Urges Governments to take all necessary measures against incitement to racial hatred, including through print, audio-visual and electronic media;

12. Urges all States to intensify their efforts for the implementation of the obligations they have accepted under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, with due regard to the principles of the Universal Declaration of Human Rights and to article 5 of the Convention, with respect to:

(*a*) Declaring an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts, against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(*b*) Declaring illegal and prohibiting organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and recognizing participation in such organizations or activities as an offence punishable by law;

(*c*) Not permitting public authorities or public institutions, national or local, to promote or incite racial discrimination;

13. Calls upon all States, where appropriate, to strengthen their national legislation and institutions for the promotion of racial harmony and notes the conclusions and recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in this regard, including those on the importance of integration of vulnerable groups in mainstream societies;

14. Invites all States, in their efforts aimed at promoting racial harmony, to involve, or, as necessary, to establish, national institutions and other appropriate organizations;

15. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

16. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures and to refrain from disseminating racist and xenophobic ideas through all appropriate means, such as codes of conduct;

17. Takes note with interest of general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights and recalled in article 5 of the Convention;

II. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION AND COORDINATION OF ACTIVITIES

18. Regrets the continued lack of interest, support and financial resources for the Third Decade and the Programme of Action, and that very few of the activities planned for the period 1994-1998 were carried out;

19. Recognizes the laudable and generous efforts by donors that have made contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination, but feels that these financial contributions have proved inadequate

and that the General Assembly should consider all ways and means of financing the Programme of Action, including through the United Nations regular budget;

20. Recommends that the General Assembly, through the Economic and Social Council, should request the Secretary-General to assign high priority to the activities of the Programme of Action and to earmark adequate resources to finance the activities of the Programme;

21. Warmly calls upon all Governments, United Nations bodies, specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to contribute fully to the effective implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

22. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund, and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

23. Welcomes the establishment of the racism project team in the Office of the United Nations High Commissioner for Human Rights with a view to coordinating all activities of the Third Decade;

24. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity, which it considers to be as particularly serious a problem as violence based on racism, racial discrimination, xenophobia and related intolerance;

25. Requests all States to encourage the reporting of all acts motivated by racism, racial discrimination, xenophobia or ethnic reasons in order to facilitate the necessary inquiries and bring the persons who commit such acts to trial;

26. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law enforcement personnel, *inter alia* through the promotion of tolerance and respect for cultural diversity;

27. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

III. SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AND FOLLOW-UP TO HIS VISITS

28. Takes note with satisfaction of the report of the Special Rapporteur (E/CN.4/2000/16 and Add.1);

29. Expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

30. Requests the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

31. Also requests the Special Rapporteur to examine the issue of political platforms which promote or incite racial discrimination in violation of human rights and to submit recommendations thereon to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its second session;

32. Calls upon all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

33. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against, *inter alia*, Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance;

34. Requests the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

35. Commends those States that have so far invited and received the Special Rapporteur;

36. Invites the Governments of the States so far visited to consider ways to implement the recommendations contained in the reports of the Special Rapporteur and requests the Special Rapporteur to include in his report to the Commission at its fifty-seventh session, under the same agenda item, information on the measures taken to implement those recommendations, and to undertake follow-up visits, if necessary;

37. Notes with concern the increase in the use of new communications technologies, in particular the Internet, to disseminate racist ideas and incite racial hatred;

38. Notes that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance, for example through the creation of Internet sites to disseminate anti-racist and anti-xenophobic messages;

39. Requests the United Nations High Commissioner for Human Rights to undertake research and consultations on the use of the Internet for purposes of incitement to racial hatred, racist propaganda and xenophobia, to study ways of promoting international cooperation in this area, and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism;

40. Urges the High Commissioner to provide those countries which were visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

IV. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

41. Appeals to those States that have not yet done so to consider ratifying or acceding to the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, and calls upon the States that have done so to implement them;

42. Recommends that the issue of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the reservations thereto and the question of recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints be considered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

43. Calls upon States parties that have not submitted initial or periodic reports in accordance with article 9 of the Convention to do so;

44. Urges States to limit the extent of any reservations they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible, while ensuring that no reservation is incompatible with the object and purpose of the Convention;

45. Calls upon States parties to the Convention, as appropriate, to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, xenophobia and related intolerance;

46. Requests the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

47. Invites the States parties to ratify the amendment to article 8 of the Convention on the financing of the Committee on the Elimination of Racial Discrimination;

V. WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

48. Takes note of the report of the Secretary-General on racism, racial discrimination, xenophobia and all forms of racial discrimination concerning the implementation of Commission resolution 1999/78 of 28 April 1999 (E/CN.4/2000/15);

49. Welcomes the offer by the Government of South Africa to host in 2001 the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and invites the international community to support the host country with financial resources;

50. Recalls its decision, in resolution 1999/78, and decides to appoint an 11-member Bureau for the two sessions of the Preparatory Committee, comprising

two representatives per regional group and a representative of the host country as an ex-officio member, in order to ensure continuity and the adequate representation of all Member States;

51. Requests the United Nations High Commissioner for Human Rights, in her capacity as Secretary-General of the World Conference, to continue to intensify the activities already initiated within the framework of the world information campaign with a view to mobilization and support for the objectives of the World Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors;

52. Welcomes the efforts by the High Commissioner to include in her strategy for informing international public opinion and raising awareness about the objectives of the World Conference, the activities outlined in paragraph 51 (*a*) to (*e*) of Commission resolution 1999/78, and encourages her to continue these efforts;

53. Also welcomes the efforts of the High Commissioner in initiating consultations with various international sporting and other organizations to enable them to contribute to the struggle against racism and racial discrimination in the framework of the World Conference;

54. Urges all States, United Nations bodies, international, regional and subregional governmental organizations, non-governmental organizations and any interested body to support the High Commissioner and the Department of Public Information and to give them full and complete cooperation for the coordination of information activities;

55. Encourages the participation of non-governmental organizations in the World Conference and in the sessions of the Preparatory Committee and calls upon the Secretary-General of the World Conference to expedite arrangements for accreditation of non-governmental organizations, including those that are not in consultative status with the Economic and Social Council, in accordance with Council arrangements for

consultation with non-governmental organizations, adopted by the Council in its resolution 1996/31 of 25 July 1996;

56. Requests the High Commissioner to undertake appropriate consultations with non-governmental organizations on the possibility that they might hold a forum before and partly during the World Conference and, insofar as possible, to provide them with technical assistance for that purpose;

57. Welcomes the offers made by the Governments of Senegal, the Islamic Republic of Iran and Brazil, and by the Council of Europe, to host regional preparatory meetings for the World Conference;

58. Expresses concern at the lack of financial support to hold regional meetings in preparation of the World Conference, and invites all States to contribute generously to the trust fund established by the High Commissioner in order to cover the activities foreseen within the framework of the World Conference and, in particular, to respond positively and in a timely manner to the appeal for the preparation of the World Conference contained in the Annual Appeal of the Office of the United Nations High Commissioner for Human Rights and also invites the specialized agencies and regional commissions of the United Nations to contribute to the organization of regional conferences;

59. Requests the Secretary-General, the United Nations specialized agencies and the regional economic commissions to provide financial and technical assistance for the organization of the regional preparatory meetings planned in the context of the World Conference and stresses that such assistance should be supplemented by voluntary contributions;

60. Recommends that the regional preparatory processes should include the campaign for information and sensitization of public opinion to the objectives of the World Conference on their agenda;

61. Requests the regional preparatory processes to identify trends, priorities and obstacles at the national and regional levels, to formulate specific recommendations for the action to be carried out in future to combat racism, racial discrimination, xenophobia and related intolerance and to submit to the Preparatory Committee, by its 2001 session at the latest, the conclusions of these regional preparatory processes;

62. Encourages the regional preparatory processes to coordinate among themselves, with a view to facilitating and optimizing their contributions to the preparatory process of the World Conference;

63. Calls upon the regional preparatory meetings to submit to the Preparatory Committee, through the High Commissioner, reports on the results of their deliberations, with concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance, which will be duly reflected in the texts of the draft final documents of the World Conference to be prepared by the Committee;

64. Invites Governments to promote the participation of national institutions and local non-governmental organizations in the preparations and in regional meetings and to organize debates in national parliaments on the objectives of the World Conference;

65. Encourages all parliaments to participate actively in the preparation of the World Conference and requests the High Commissioner to explore ways and means of effective involvement of parliaments through the relevant international organizations;

66. Invites United Nations bodies and mechanisms dealing with the question of racism, racial discrimination, xenophobia and related intolerance, the Committee on the Elimination of Racial Discrimination, the Sub-Commission on the Promotion and Protection of Human Rights and the special rapporteurs concerned to participate actively

in the preparatory process with a view to ensuring the success of the World Conference and to coordinate their activities in this regard with the assistance of the High Commissioner;

67. Recommends that the World Conference should adopt a declaration and programme of action containing concrete and practical recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

68. Stresses the importance of systematically adopting a gender-based approach throughout the preparations for and in the outcome of the World Conference;

69. Recommends that the particular situation of children should receive special attention during the preparations for and during the World Conference itself, especially in its outcome;

70. Welcomes the General Assembly's decision to declare 2001 the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

71. Calls upon all States, United Nations bodies, specialized agencies, regional organizations and intergovernmental as well as non-governmental organizations to mobilize their efforts in realizing the objectives of the International Year;

72. Emphasizes that the activities which will be implemented within the framework of the International Year should be directed towards the preparation of the World Conference;

73. Requests the Secretary-General to submit to the Commission at its fifty-seventh session a report on the implementation of the present resolution under the agenda item entitled "Racism, racial discrimination, xenophobia and all forms of discrimination";

74. Decides to continue its consideration of this question at its fifty-seventh session under the same agenda item.

53rd meeting
17 April 2000
[Adopted without a vote.
See chap. VI.]

2000/15. Situation of human rights in the Democratic Republic of the Congo

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, as well as to the African Charter on Human and Peoples' Rights,

Noting General Assembly resolution 54/179 of 17 December 1999 and Security Council resolution 1291 (2000) of 24 February 2000 and recalling previous resolutions of the Assembly and the Commission on the subject, as well as Security Council resolution 1234 (1999) of 9 April 1999 and previous relevant resolutions of the Council,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by all parties to the conflict, including acts of and incitement to ethnic hatred and violence,

Recognizing that promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region,

Taking into account the regional dimension of the human rights issues and stressing the importance of technical cooperation for the promotion and protection of human rights, Recalling its decision to request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo, while regretting that the security situation in the country does not yet allow such a mission,

1. Welcomes:

(*a*) The report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/2000/42), and the update he provided in his oral presentation to the Commission on Human Rights;

(*b*) The visit the Special Rapporteur undertook in August-September 1999 to the country at the invitation of the Government, and the cooperation of the Government in this regard;

(*c*) The activities of the Human Rights Field Office in the Democratic Republic of the Congo, while encouraging the Government to work and to strengthen further its cooperation with the Office;

(*d*) The work of the Minister for Human Rights of the Democratic Republic of the Congo in effectively improving the human rights situation in the country and, in particular, the adoption in December 1999, in concert with non-governmental organizations, of the National Action Plan on the Promotion and Protection of Human Rights;

(*e*) The commitment by the Government of the Democratic Republic of the Congo to cooperate with the United Nations agencies and non-governmental organizations in ensuring the demobilization and reintegration of child soldiers and the holding in December 1999, in cooperation with the United Nations Children's Fund, of the Kinshasa forum on the demobilization and reinsertion of child soldiers, and calls upon the Government to implement its commitments fully;

(*f*) The general amnesty announced by President Kabila on 19 February 2000, under which 200 persons accused, convicted or detained for crimes against the internal or external security of the State have already been released, as a timely and significant step towards reconciliation and preparations for the inter-Congolese dialogue called for in the Lusaka Ceasefire Agreement, but deplores the fact that dozens of other political prisoners continue to be detained and hopes that more prisoners will be released in the coming weeks;

(*g*) The release and repatriation, carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law of persons at risk, mainly of Tutsi origin, and of prisoners of war, and calls for the release of those still in detention;

(*h*) The Ceasefire Agreement signed in Lusaka on 10 July 1999;

(*i*) The setting up of a peace operation in the Democratic Republic of the Congo by the Security Council in support of the implementation of the Ceasefire Agreement;

(*j*) The decision of the Security Council in its resolution 1291 (2000) to authorize the expansion of the United Nations Organization Mission in the Democratic Republic of the Congo;

(*k*) The selection by the Congolese parties, with the assistance of the Organization of African Unity, of the former President of Botswana, Sir Ketumile Masire, as Facilitator of the National Dialogue, provided for in the Ceasefire Agreement, aimed at achieving national reconciliation and a new political dispensation in the Democratic Republic of the Congo;

(*l*) The work of the special envoy of the Secretary-General for the peace process for the Democratic Republic of the Congo;

(*m*) The appointment by the Secretary-General of a special representative for the Democratic Republic of the Congo;

(*n*) The holding of a day-long meeting of the Security Council devoted to the situation in the Democratic Republic of the Congo at which the parties renewed their commitment to the Ceasefire Agreement;

2. Expresses its concern:

(*a*) At the adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo;

(*b*) At the continuing violations of the ceasefire provided for in the Lusaka Ceasefire Agreement, and at the continued use of warlike language;

(*c*) At the preoccupying situation of human rights in the Democratic Republic of the Congo, particularly in the eastern parts of the country, and at the continuing violations of human rights and international humanitarian law throughout the territory of the Democratic Republic of the Congo, often with impunity, in particular:

(i) At the continued perpetration of massacres in the course of the conflicts, including recently in Ngweshe, Kamituga, Lubarisi, Kitumba, Kasala, Kongolo, Kimbumbu, Nonge, Sola, Kalungwe, Mwenga, Chipaho, Lemera, Burhale, Musinga, Bashali, Lukweti, Budaha, Walungu, Burhinyi, Mikondero, Kigulube, Kibizi, Buyankiri, Kalambi, Kashambi, Kalami and Chifunze;

(ii) At the conflicts between the Hema and the Lendu ethnic groups in Orientale province where thousands of Congolese have already been killed;

(iii) At the occurrence of cases of summary and arbitrary execution, disappearance, torture, beating, harassment, arbitrary arrests and detention without trial, including of journalists, opposition politicians, human rights defenders and people who have cooperated with the United Nations mechanisms, and reports of sexual violence against women and children and the continuing recruitment and use of child soldiers;

(iv) At the trial of civilians and the imposition and execution of the death penalty by the Military Court in disregard of the obligations the Democratic Republic of the Congo has assumed under the International Covenant on Civil and Political Rights;

(*d*) At the excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

(*e*) At the harassment and persecution of human rights defenders and their organizations;

(*f*) At the intimidation of representatives of the Churches and of civil society in the eastern part of the country;

(*g*) At the severe insecurity which is minimizing the ability of humanitarian organizations to secure access to affected populations;

3. Urges all parties to the conflict in the Democratic Republic of the Congo:

(*a*) To implement fully the Lusaka Ceasefire Agreement in accordance with the new timetable agreed by the parties and to establish the authority of the Government of the Democratic Republic of the Congo throughout the territory as agreed in the inter-Congolese political negotiations provided for in the Ceasefire Agreement, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of the Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and the holding of democratic, free, transparent and fair elections;

(*b*) To protect human rights and to respect international humanitarian law, in particular as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto of 1977, the Hague Convention of 18 October 1907 concerning the Laws and Customs of War on Land, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country, regardless of their origin;

(*c*) To ensure the safety, security and freedom of movement of United Nations and associated personnel and humanitarian personnel within the Democratic Republic of the Congo and in this regard to ensure safe and unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(*d*) To cease all military activity in the Democratic Republic of the Congo which is in breach of the ceasefire provided for in the Ceasefire Agreement;

(*e*) To end the use of child soldiers, which is in contravention of international human rights standards;

(*f*) To take and implement all necessary measures to create conditions for the voluntary return, in safety and dignity, of all refugees and displaced persons and to ensure their fair and lawful treatment;

(*g*) To cooperate fully with the National Commission of Inquiry on the alleged massacres of a large number of refugees and displaced persons in the Democratic Republic of the Congo, and also with the Secretary-General and with the United Nations High Commissioner for Human Rights in addressing these allegations, with a view to the submission of a further report by the National Commission of Inquiry to the Secretary-General on the progress of its investigations on this question;

4. Calls upon the Government of the Democratic Republic of the Congo:

(*a*) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms throughout its entire territory;

(*b*) To fulfil its responsibility to protect the human rights of the population on its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across its border;

(*c*) To fulfil its commitment to reform and restore the judicial system, and particularly to reform military justice in conformity with the provisions of the International Covenant on Civil and Political Rights;

(*d*) To put an end to impunity and to fulfil its responsibility to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(*e*) To implement fully its commitment to the democratization process, in particular the national dialogue, as stipulated in the Lusaka Ceasefire Agreement, and to create, in this context, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all people in the country;

(*f*) To remove the remaining administrative restrictions on the activities of political parties and to prepare for the holding of democratic, free and fair elections;

(*g*) To remove the restrictions that still affect the work of non-governmental organizations and to promote human rights awareness, including by strengthening cooperation with civil society, including all human rights organizations;

(*h*) To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly, throughout the territory of the Democratic Republic of the Congo;

(*i*) To work closely and strengthen further its cooperation with the Human Rights Field Office in the Democratic Republic of the Congo;

(*j*) To cooperate fully with the International Tribunal for Rwanda in ensuring that all responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

(*k*) To help create the conditions for the safe deployment of the United Nations Organization Mission in the Democratic Republic of the Congo and for the security and freedom of movement of its personnel and other associated personnel;

5. Decides:

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year, to request him to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also to request the Special Rapporteur to continue to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities referred to in the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session;

(*c*) To request to the Secretary-General to give all necessary assistance to the Special Rapporteur and to the joint mission, to enable them to discharge their mandates fully;

(*d*) To request the High Commissioner for Human Rights to provide appropriate technical expertise to enable the joint mission to fulfil its mandate;

(e) To request the international community to support the Human Rights Field Office in the Democratic Republic of the Congo in order, in particular:

(i) To strengthen its involvement in programmes of technical co-operation, advisory services and human rights advocacy, including supporting efforts by the Government of the Democratic Republic of the Congo towards strengthening the judicial system;

(ii) To strengthen its support for, and to continue to expand cooperation with, human rights non-governmental organizations in the Democratic Republic of the Congo;

and to facilitate the activities of the joint mission, including through voluntary funding;

6. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 7 .]

55th meeting
18 April 2000
[Adopted without a vote. See chap. IX.]

2000/16. Human rights situation in southern Lebanon and western Bekaa

The Commission on Human Rights,

Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon and western Bekaa, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal

Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Fourth Hague Convention of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolution 425 (1978) of 19 March 1978,

Reminding all parties concerned to abide by the April 1996 understanding,

Censuring the Israeli attacks, in southern Lebanon and western Bekaa, which cause death and injuries among civilians, displace families and destroy dwellings and properties,

Reaffirming that the continued occupation and practices of the Israeli forces constitute a violation of the relevant resolutions of the Security Council and the conventions in force on this matter,

Hoping that the efforts made in order to implement Security Council resolution 425 (1978) and to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the zone in southern Lebanon and western Bekaa occupied by Israel and that the peace negotiations will be resumed and conducted with a view to reaching a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the persistent detention, ill-treatment and torture by Israel of many Lebanese civilians, among whom are minors, women and the elderly, in the detention centre of Khiyam, and at the death in previous years of some detainees,

Expressing its indignation at the ruling handed down on 4 March 1998 by the Israeli Supreme Court permitting the Israeli authorities to retain Lebanese detainees in Israeli prisons without trial and to hold them as hostages and for bargaining purposes and to renew their incommunicado detention, which constitutes a flagrant violation of the principles of human rights, Reaffirming its resolution 1999/12 of 23 April 1999, and expressing its deep regret at the failure of Israel to implement that resolution,

1. Deplores the continued Israeli violations of human rights in the occupied zone in southern Lebanon and western Bekaa, demonstrated in particular by the abduction and arbitrary detention of civilians, the destruction of their dwellings, the confiscation of their property, their expulsion from their land, the bombardment of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices, in air raids and the use of prohibited weapons, and to implement Security Council resolution 425 (1978) of 19 March 1978 requiring Israel's immediate, total and unconditional withdrawal from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and western Bekaa, to comply with the Geneva Conventions of 12 August 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and western Bekaa, to refrain from holding the abducted Lebanese citizens incarcerated in its prisons as hostages for bargaining purposes, and to release them immediately, as well as other persons arbitrarily detained in prisons and detention centres in the occupied territories in Lebanon in violation of all the Geneva Conventions and other provisions of international law;

5. Affirms the obligation for Israel, the occupying Power of territories in southern Lebanon and western Bekaa, to commit itself to allowing the International Committee of the Red Cross and the families of the detainees to intensify their visits, as well as to allowing other international humanitarian organizations to visit the detainees and to verify their sanitary and

humanitarian conditions and, in particular, the circumstances which have in previous years led to the death of some of them as a result of ill-treatment and torture;

6. Requests the Secretary-General:

(*a*) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(*b*) To report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session on the results of his efforts in this regard;

7. Decides to continue its consideration of the situation of human rights in southern Lebanon and western Bekaa at its fifty-seventh session.

55th meeting
18 April 2000
[Adopted by a roll-call vote of 51 votes to 1,
with 1 abstention.
See chap. IX.]

2000/17. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 on the protection of war victims,

Recalling:

(a) Previous resolutions of the General Assembly and the Commission on the subject, most recently Assembly resolution 54/178 of 17 December 1999 and Commission resolution 1999/14 of 23 April 1999;

(*b*) Security Council resolutions 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1281 (1999) of 10 December 1999, in which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, 1284 (1999) of 17 December 1999, in which the Council, by means of a comprehensive approach to the situation in Iraq, *inter alia,* raised the ceiling for the allowable import of Iraqi oil in order to increase the amount of revenue available for the purchase of humanitarian supplies, laid down new provisions and procedures designed to improve the implementation of the humanitarian programme and to further achievement in meeting the humanitarian needs of the Iraqi population and reiterated the obligation of Iraq to facilitate the repatriation of all Kuwaiti and third country nationals referred to in paragraph 30 of Council resolution 687 (1991);

(*c*) The concluding observations of the Human Rights Committee (CCPR/C/79/Add.84), the Committee on the Elimination of Racial Discrimination (A/54/18, paras. 337-361), the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.17) and the Committee on the Rights of the Child (CRC/C/15/Add.94) on Iraq's recent reports to these treaty monitoring bodies, in which these bodies point to a wide range of human rights problems and express the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, including children;

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire situation in Iraq, which affects the population, including children, as stated in the reports of several United Nations human rights treaty bodies, and appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by the Security Council in its resolution 986 (1995),

1. Welcomes the interim report of the Special Rapporteur on the situation of human rights in Iraq submitted to the General Assembly at its fifty-fourth session (A/54/466), the observations on the general situation and the conclusions and recommendations contained therein and notes his dismay that there has been no improvement in the situation of human rights in the country and welcomes the summary of activities and initial observations presented to the Commission by the newly appointed Special Rapporteur on the situation of human rights in Iraq;

2. Strongly condemns:

(*a*) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(*b*) Suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

(*c*) Widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

(*d*) Summary and arbitrary executions, including political killings and the continued so-called clean-out of prisons, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, and consistent and routine failure to respect due process and the rule of law, for example the execution of delinquents for minor property offences and customs violations;

(*e*) Widespread, systematic torture and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

3. Calls upon the Government of Iraq:

(*a*) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(*b*) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(*c*) To cooperate with United Nations human rights mechanisms, in particular by inviting the Special Rapporteur to visit the country and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission;

(*d*) To establish independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(*e*) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(*f*) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;

(*g*) To ensure free exercise of political opposition and prevent intimidation and repression of political opponents and their families;

(*h*) To respect the rights of all ethnic and religious groups and to cease immediately its continued repressive practices, including the practice of forced deportation and relocation, against the Iraqi Kurds, Assyrians and Turkmen, in particular their deportation from the regions of Kirkok and Khanaqin, and against the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and to ensure the personal integrity and freedoms of all citizens, including the Shia population;

(*i*) To cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances for that purpose, to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991, to release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees and to issue death certificates for deceased prisoners of war and civilian detainees;

(*j*) To cooperate further with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(*k*) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999), 1266 (1999) and 1281 (1999), as well as to cooperate, together with all concerned, in the implementation of the humanitarian sections of Council resolution 1284 (1999), to ensure fully the timely and equitable distribution, without discrimination, to the Iraqi population, including in remote areas, of all humanitarian supplies purchased under the oil-for-food programme, to address effectively the needs of vulnerable groups, including children, pregnant women, the disabled, the elderly and the mentally ill, among others, to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country, as well as their free access, without any discrimination, to all the population, and to ensure that involuntarily displaced persons receive humanitarian assistance without the need to demonstrate that they have resided for six months at their places of temporary residence;

(*l*) To cooperate in the identification of the minefields existing throughout Iraq with a view to facilitating their marking and eventual clearance;

4. Decides:

(*a*) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year and requests the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session and also to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

(*c*) To continue its consideration of the situation of human rights in Iraq at its fifty-seventh session under the same agenda item;

5. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 9.]

55th meeting
18 April 2000
[Adopted by a roll-call vote of 32 votes to none,
with 21 abstentions.

See chap. IX.]

2000/18. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 on the protection of war victims and the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also its previous resolutions, the most recent being resolution 1999/9 of 23 April 1999, the relevant General Assembly resolutions, as well as the relevant resolutions and presidential statements of the Security Council, decisions of the Economic and Social Council and resolutions of the Commission on the Status of Women,

Concerned that armed confrontation persists in Afghanistan and by the ethnic nature of the conflict, Deeply concerned about the deteriorating economic and social conditions of women and girls in all areas of Afghanistan, in particular in areas under Taliban control, as documented by the continued and substantiated reports of grave violations of the human rights of women and girls, including all forms of discrimination against them, such as restrictions on access to health care, to many levels and types of education, to employment outside the home and, at times, to humanitarian aid, as well as restrictions on their freedom of movement,

Recalling the agreement between the Taliban and the United Nations signed on 23 October 1998 on the security of United Nations personnel in Afghanistan and urging its full implementation,

Convinced that the major contribution to improving the human rights situation in Afghanistan would be an immediate ceasefire followed by a negotiated settlement in line with the efforts aimed at the establishment of a broad-based Government, and the effective participation of the people of Afghanistan in the governance of their country through freely chosen representatives,

Recalling that the United Nations continues to play its central and impartial role in international initiatives towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels, in particular those of the "six plus two" group and the Organization of the Islamic Conference, the efforts to convene a *loya jirgah*, as well as the invitation to Tokyo extended by the Government of Japan to the relevant parties earlier this year, all aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all concerned actors,

Taking into account the report of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women on her visit to Afghanistan in November 1997,

Expressing deep concern at the lack of reconstruction in Afghanistan,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/2000/33) and the observations contained

therein, as well as the report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Pakistan and Afghanistan (E/CN.4/2000/68/Add.4) and looks forward to her conclusions and recommendations;

2. Strongly condemns the mass killings and systematic human rights violations against civilians and persons deprived of their liberty for reasons related to the armed conflict, including in the areas of Mazar-e Sharif, Bamyan, Shiberghan and Maimana, and notes with alarm the resumption by the Taliban of the wider conflict during the past summer, especially in the Shamali Plains, resulting in the massive, forced displacement of the civilian population, in particular of women and children;

3. Notes with deep concern:

(a) The continuing pattern of human rights violations in Afghanistan;

(b) The persisting armed hostilities in Afghanistan and the complex nature of the conflict, including ethnic, religious and political aspects, which have resulted in extensive human suffering and forced displacement, including on the grounds of ethnicity, and which hinder the return of the internally displaced to their homes;

(c) The continued displacement of millions of Afghan refugees in Pakistan and the Islamic Republic of Iran, as well as in other countries, while recognizing with appreciation efforts undertaken in host countries to ease the plight of Afghan refugees, *inter alia* in the fields of health and education;

4. Condemns:

(*a*) The widespread violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, and freedom of opinion, expression, religion, association and movement;

(*b*) The continuing grave violations of the human rights of women and girls, including all forms of discrimination against them, in all areas of Afghanistan, particularly in areas under the control of the Taliban where findings of further gross violations of the human rights of women and girls include abductions and kidnappings, as well as accounts of many instances of forced marriage and of trafficking;

(*c*) The frequent practice of arbitrary arrest and detention and of summary trials, which have resulted in summary executions, throughout the country;

(*d*) The recent violations by the Taliban in Kandahar of United Nations immunity granted by the 23 October 1998 agreement, which compelled the United Nations to stop work in the area;

5. Reiterates its condemnation of the killing of Iranian diplomats and the correspondent of the Islamic Republic News Agency by the Taliban, which constituted flagrant violations of established international law, as well as of the attacks on and killing of the United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes and to bring those responsible to justice;

6. Stresses the need for national reconciliation and for the establishment of the rule of law, good governance and democracy in Afghanistan and, concurrently, the need for extensive rehabilitation and reconstruction;

7. Urges all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan and to refrain from interfering in its internal affairs, and to end immediately the supply of arms, ammunition, military equipment, including fuel, training or any other military support, including providing any foreign military personnel, to all parties to the conflict;

8. Urges all the Afghan parties:

(*a*) To respect fully all human rights and fundamental freedoms of all, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

(*b*) To cease hostilities immediately, to work and cooperate fully with the personal representative of the Secretary-General for Afghanistan and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire and to implement the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan of 19 July 1999, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and with dignity and to the establishment of a broad-based, multi-ethnic, fully representative Government through the full exercise by the Afghan people of the right to self-determination;

(*c*) To reaffirm publicly their commitment to international human rights and principles, and to recognize, protect and promote all human rights and fundamental freedoms;

(*d*) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to refrain from the wanton destruction of food crops and civilian property, in particular homes, to stop the laying of landmines, especially anti-personnel mines, to prohibit conscripting or enlisting children or using them to participate in hostilities in violation of international law and to ensure the disarmament, demobilization and reintegration into society of children;

(*e*) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to trial;

(*f*) To fulfil their obligations and commitments regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, and non-governmental organizations, as well as of their premises in Afghanistan, and to cooperate, fully and without discrimination on grounds of gender, nationality or religion, with the United Nations and associated bodies, as well as with other humanitarian organizations, agencies and non-governmental organizations, in order to facilitate full resumption of their cooperation;

(*g*) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention of any person, including of civilian foreign nationals and non-criminal civilian and political prisoners, and urges their captors to release them;

9. Urges all the Afghan parties, and in particular the Taliban, to bring to an end without delay all violations of human rights of women and girls and to take urgent measures to ensure:

(*a*) The repeal of all legislative and other measures which discriminate against women and girls and those which impede the realization of all their human rights;

(*b*) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(*c*) Respect for the equal right of women to work, and their reintegration in employment;

(*d*) The equal right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(*e*) Respect for the right of women to security of person and that those responsible for physical attacks on women be brought to justice;

(*f*) Respect for the freedom of movement of women;

(*g*) Respect for effective and equal access by women and girls to the facilities necessary to protect their right to the highest attainable standard of physical and mental health;

10. Notes with appreciation the activities carried out by the International Committee of the Red Cross throughout the territory of Afghanistan;

11. Recalls that it had invited the Secretary-General and the High Commissioner to proceed without delay to investigate fully reports of mass killings of persons deprived of their liberty for reasons related to the armed conflict and of civilians, and of rape and cruel treatment in Afghanistan, and that it had called upon the United Front and the Taliban to fulfil their stated commitment to cooperate with such investigations and, noting the summary of the report on the investigations, as a preliminary response, expresses, in this context, to the parties its deep regret for the unsatisfactory results;

12. Invites:

(*a*) The Secretary-General to ensure that the ongoing deployment of the civilian affairs observers in Afghanistan takes place as soon as possible, security conditions permitting, and that gender issues are fully incorporated in their mission;

(*b*) The Secretary-General to exert efforts to ensure a gender perspective in the selection of the staff of the United Nations Special Mission to Afghanistan in order to enhance the role of women in preventive diplomacy, peacemaking and peacekeeping;

(*c*) The Special Rapporteur to continue to pay attention to the human rights of women and children and to apply a gender perspective in a similar manner in his report to the Commission at its fifty-seventh session;

(*d*) The United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning, *inter alia*, the drafting of a constitution, which should embody internationally accepted human rights principles and provide for the holding of direct elections;

13. Appeals to Member States and to organizations and programmes of the United Nations system, specialized agencies and other international organizations, whenever the situation on the ground permits and as part of an overall effort to achieve peace:

(*a*) To provide, on a non-discriminatory basis, humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries;

(*b*) To intensify the programme for the removal of millions of anti-personnel mines laid in Afghanistan;

(*c*) To ensure that all United Nations-assisted programmes in Afghanistan are formulated and coordinated in such a way as to promote and ensure the participation of women in those programmes, and that women benefit equally with men from such programmes;

(*d*) To implement the recommendations of the inter-agency gender mission in Afghanistan under the leadership of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women;

14. Expresses its deep concern at reports of attacks on and looting of cultural artefacts in Afghanistan, emphasizes that all parties share the responsibility to protect their common heritage and requests all Member States to take appropriate measures to prevent the looting of cultural artefacts and to ensure their return to Afghanistan;

15. Urges all the Afghan parties to extend their cooperation to the Commission and its Special Rapporteur on the situation of human rights in Afghanistan and to all those special rapporteurs who are seeking invitations, and to facilitate the access of the Special Rapporteur to all sectors of society and to all parts of the country;

16. Requests:

(*a*) The Secretary-General to give all necessary assistance to the Special Rapporteur and to give due consideration to his recommendations in the formulation of United Nations activities in Afghanistan;

(*b*) The High Commissioner to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide advice and training in the field of human rights to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field;

17. Decides:

(*a*) To extend the mandate of the Special Rapporteur for one year and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-seventh session;

(*b*) To continue its consideration of the situation of human rights in Afghanistan, as a matter of high priority, at its fifty-seventh session under the same agenda item.

55th meeting
18 April 2000
[Adopted without a vote. See chap. IX.]

2000/19. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1999/19 of 23 April 1999, in which it decided to appoint a special representative of the Commission to monitor the situation of human rights in Equatorial Guinea,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling that Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights, Recalling also Economic and Social Council decision 1993/277 of 28 July 1993 and previous resolutions of the Commission on the subject, starting in 1979,

Recalling further that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations and welcoming the will of the Government of Equatorial Guinea to cooperate with the Office of the United Nations High Commissioner for Human Rights,

Recalling that cooperation in the field of human rights, as one of the objectives of the Charter, should be guided by the principles of efficiency and transparency, of coordination of all activities for the promotion and protection of human rights within the United Nations system, and of complementarity of technical assistance services with human rights monitoring services, as laid down in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights(A/CONF.157/23),

Welcoming the recommendation made by the Special Representative that technical assistance to Equatorial Guinea be organized in order to develop and to carry out a national human rights plan of action and stressing that some of his recommendations could be I implemented without the need for technical assistance,

Recalling the political will repeatedly expressed by the Government of Equatorial Guinea to continue to make progress in the situation of human rights and fundamental freedoms and its pledge to take definitive steps in this direction, as a priority in its programme of good governance,

Noting, however, the continuing existence of deficiencies and conditions that lead to violations and abuses of human rights,

1. Expresses its gratitude to the Special Representative of the Commission on Human Rights to monitor the situation of human rights in Equatorial Guinea and welcomes his report (E/CN.4/2000/40), as well as the assistance which the authorities of Equatorial Guinea extended to him during his visit to the country in November 1999;

2. Encourages the Government of Equatorial Guinea to adopt quick and effective measures in order to comply with the recommendations made by the Commission and the Special Representative, as detailed in his report, such as the following measures:

(*a*) To guarantee full enjoyment of the freedoms of movement and association by introducing new laws, where appropriate, or amending existing ones, on the right to physical integrity, including by putting an end to torture, and of the right to human dignity of detainees by ensuring adequate sanitary conditions for them and by ordering, *inter alia,* an end to the practice of detentions without judicial warrant and by prosecuting those responsible for such violations;

(*b*) To ensure full enjoyment of the freedom of information, the freedom of opinion and expression and the right to a free press;

(*c*) To guarantee the principle of the rule of law, through the periodic and systematic publication of legal norms;

(*d*) To adhere to the Convention against Torture and the and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination and to submit the pending reports to the Human Rights Committee and to the Committee on the Rights of the Child;

(*e*) To safeguard the right to justice, the independence of the judiciary with respect to the executive branch and the restriction of the military jurisdiction, which should be limited strictly to military offences committed by military personnel and should not have competence with respect to civilians, and urges the Government of Equatorial Guinea to introduce legal reforms to that effect;

(*f*) To eliminate all forms of discrimination against women and to continue to promote their full enjoyment of human rights by taking measures such as the ending of the practice of imprisoning women for not returning their marriage dowry when they separate from their husbands, and by promoting women's right to education;

(*g*) To step up efforts to fulfil the commitments arising from the agreement signed with the opposition parties aimed at guaranteeing political rights, democracy and pluralism, especially with a view to the municipal elections called by the Government for 28 May 2000;

(*h*) To guarantee economic, social and cultural rights, including those of children and, especially, those that affect the population living in poverty, in order to realize the rights to education, to work and to a standard of living adequate for health and well-being, including food, clothing, housing and medical care;

(*i*) To promote and protect the rights of the child and to implement fully the Convention on the Rights of the Child;

3. Welcomes the stated willingness of the Government of Equatorial Guinea to implement a national human rights action plan and, for that purpose, encourages the Government to discuss and to agree on means for its early implementation, together with a comprehensive programme of technical assistance, with the Office of the United Nations High Commissioner for Human Rights;

4. Calls upon the specialized bodies and agencies of the United Nations, as well as donor countries and any other international institutions present in the country, to coordinate with the Office of the High Commissioner their efforts of cooperation with Equatorial Guinea in the field of human rights;

5. Welcomes the stated willingness of the Government of Equatorial Guinea to extend invitations to the thematic rapporteurs of the Commission and looks forward to their recommendations contributing to the implementation of the national human rights action plan;

6. Notes with interest the financial efforts and political will of the Government of Equatorial Guinea to establish the Centre for the Promotion of Human Rights and Democracy in Equatorial Guinea in order to strengthen the national capacity in that field;

7. Encourages the Government of Equatorial Guinea in its efforts to have the Centre begin functioning as soon as possible, in coordination with the Office of the High Commissioner and in cooperation with international non-governmental organizations;

8. Calls upon the Government of Equatorial Guinea to ensure the independence and the effectiveness of the National Commission on Human Rights, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights, and to authorize, without any undue restriction, the public registration and freedom of activity of non-governmental organizations in the field of human rights and social affairs;

9. Also calls upon the Government of Equatorial Guinea to ensure the independence and effectiveness of the national electoral commission, so as to guarantee fair, transparent and democratic conditions during all electoral processes and especially on the occasion of the next municipal elections;

10. Encourages the Government of Equatorial Guinea to invite to the country an electoral observer mission of the United Nations, and/or of impartial observers for the next municipal elections;

11. Decides to renew the mandate of the Special Representative for one year and requests him to monitor the situation of human rights in Equatorial Guinea and to report to the Commission at its fifty-seventh session, keeping in mind the need to apply a gender perspective in the reporting process, including in collecting information and making recommendations;

12. Requests the Special Representative to verify, on behalf of the Commission, that the technical assistance provided to Equatorial Guinea supports its national plan of action on human rights, based on the recommendations made since 1979 and reiterated in his report;

13. Requests the Secretary General to give the Special Representative all necessary assistance to enable him to discharge his mandate fully;

14. Decides to continue its examination of the question of human rights in Equatorial Guinea at its fifty-seventh session.

55th meeting
18 April 2000
[Adopted without a vote. See chap. IX.]

2000/20. Situation of human rights in Burundi

The Commission on Human Rights,

Mindful of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its commitment to respect for the principles of the rule of law, which involve democracy, pluralism and respect for human rights and fundamental freedoms,

Stressing that all States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 1999/10 of 23 April 1999,

Considering Security Council resolutions 1072 (1996) of 30 August 1996 and 1286 (2000) of 19 January 2000 as well as the statement by the President of the Security Council (S/PRST/1999/32) of 12 November 1999,

Recalling also that the primary responsibility for peace lies with the Government and people of Burundi,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundi crisis, Acclaiming the decision of the Government of Burundi to launch a comprehensive peace process and initiate nationwide political negotiations open to all parties, and the progress made in negotiations among the political forces, including the signature of a political compact as part of the internal peace process,

Recognizing the personal contribution of the late Mr. Julius K. Nyerere to the Arusha negotiation process,

Taking into account the efforts made so far by the Government of Burundi and other parties to the Arusha talks to bring about lasting peace,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is essential to the stability and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and the search for peace, and urging the Government of Burundi to ensure the equal participation of women in Burundian society and to improve their living conditions,

Welcoming the invitation extended by the Facilitator to Burundi women's representatives to participate as observers in the Arusha negotiation process;

1. Takes note of the report by the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/2000/34);

2. Supports the political compact between the Government of Burundi and the National Assembly, and the dialogue among Burundians, including the armed factions, taking place in the Arusha peace process;

3. Welcomes the designation of the former President of the Republic of South Africa, Mr. Nelson Mandela, as the new Facilitator of the Arusha peace process;

4. Notes the continuing need to make the negotiation process more inclusive;

5. Appeals to all armed factions and other Burundian political forces, inside and outside the country, which have not done so to join the Arusha negotiation process without delay, to conclude a ceasefire as soon as possible and sign a peace agreement that will contribute to the establishment of lasting peace in Burundi;

6. Encourages the Government of Burundi to continue its actions aimed at associating all sectors of Burundian society in the work of national reconciliation and at the restoration of a safe, generally reassuring institutional order so as to bring back democracy and peace in the interest of the Burundian population;

7. Remains concerned at the ongoing violence and the security situation in parts of the country, forcing many people to leave their homes;

8. Deplores the unacceptable living conditions in the regroupment camps and displaced persons sites, and recommends that the Government and United Nations agencies and non-governmental organizations provide humanitarian assistance;

9. Requests the Government of Burundi to ensure the safe and unhindered access of humanitarian assistance to those in need in Burundi and to provide guarantees for the safety, security and freedom of movement of United Nations and associated personnel, humanitarian organizations and individuals in Burundi serving in the same cause;

10. Calls upon the Government of Burundi to suspend its policy of population displacement;

11. Also calls upon the Government of Burundi to continue to implement its commitment to dismantle all regroupment camps and to facilitate the return of displaced persons to their villages as and when security conditions permit;

12. Notes the efforts by the Government of Burundi to ensure that established legal safeguards for human rights and international human rights standards are fully respected;

13. Requests the Government of Burundi to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Government to accelerate the specific procedures for investigations and prosecutions in case of such violations;

14. Welcomes the entry into force of the new code of penal procedure, exhorts the Government of Burundi to continue to carry out the government plan of legal reform better to protect individual freedoms and to make its judicial institutions more effective and transparent, and urges the authorities to address the questions of the length of provisional detention and conditions in detention;

15. Also welcomes the continuing cooperation between the Government of Burundi and the International Committee of the Red Cross with regard to access and visits to detainees held in central prisons;

16. Condemns the murder of personnel of the United Nations Children's Fund and the World Food Programme and Burundian civilians in Rutana province in October 1999, and urges that the perpetrators be effectively brought to justice;

17. Urges all parties to the conflict to end the cycle of violence and killings, especially blind violence against the civilian population;

18. Notes the efforts in the struggle against impunity and for the promotion of human rights on the part of the Government of Burundi, but expresses its deep concern at the violations of human rights and of international humanitarian law, in particular reports of massacres, enforced or involuntary disappearances, and arbitrary arrests and detention;

19. Supports the continuation by the Office of the United Nations High Commissioner for Human Rights of the programme of assistance for members of the armed forces and the police in the field of human rights and legal assistance;

20. Adjures the parties to the conflict to abstain rigorously from any action liable to hamper operations by the International Committee of the Red Cross and other humanitarian assistance to those affected by the war;

21. Also adjures all parties to the conflict in Burundi to work constructively with the international mediators in the search for a lasting peace;

22. Expresses its appreciation of the efforts by the mediators of the United Nations, the Organization of African Unity and the European Union in the search for a lasting solution to the problems of Burundi;

23. Encourages the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing the further deterioration of the situation;

24. Reaffirms that respect for human rights and international humanitarian law as well as development contribute to peace, and thus welcomes the call made by the Security Council in its resolution 1234 (1999) of 9 April 1999 for an international conference on peace, security and stability in the Great Lakes region;

25. Commends the Human Rights Observer Mission in Burundi for the activities it is conducting in the field, welcomes the cooperation afforded to it by the Government of Burundi, and calls for the strengthening of that observer mission through voluntary contributions;

26. Condemns the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

27. Requests States not to allow their territories to be used as bases for incursions or attacks against another State, in violation of the principles of international law, including the Charter of the United Nations;

28. Exhorts States and international, governmental and non-governmental organizations to coordinate planning initiatives to promote sustainable development as the peace process moves towards resolution;

29. Calls upon the Government of Burundi to take actions that foster a security environment conducive to the work of assistance organizations, and invites the United Nations and the donor community, once an appropriate security environment exists, to augment the flow of humanitarian assistance to those in need;

30. Decides to extend the mandate of the Special Rapporteur by one year and to request her to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-fifth session and a report to the Commission at its fifty-seventh session, giving her work a gender-specific dimension.

55th meeting
18 April 2000
[Adopted without a vote. See chap. IX.]

2000/21. Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolution 1999/20 of 23 April 1999 and relevant previous resolutions and noting General Assembly resolution 54/188 of 17 December 1999,

Reaffirming that the promotion and protection of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda, Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibilities of States for the promotion and protection of human rights,

Noting with satisfaction the commitment of the Government of Rwanda to promote and protect respect for human rights and fundamental freedoms, as well as to eliminate impunity, the progress made towards the development of a State governed on the basis of the rule of law, and efforts undertaken to consolidate peace and stability and promote unity and reconciliation,

Welcoming the progress made by the Government of Rwanda in rebuilding the country's system of administration of justice and the efforts made to address the problem of the very large number of detainees awaiting trial,

1. Takes note with appreciation of the report of the Special Representative of the Commission on the situation of human rights in Rwanda (E/CN.4/2000/41);

2. Welcomes the cooperation and assistance extended by the Government of Rwanda to the Special Representative;

3. Also welcomes the continuing efforts of the Government of Rwanda to build a State based on the rule of law and the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international human rights instruments;

4. Reiterates its strong condemnation of the crime of genocide and the crimes against humanity which were committed in Rwanda in 1994;

5. Notes the report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda (S/1999/1257, annex), submitted pursuant to the mandate given by the Secretary-General and approved by the Security Council;

6. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of human rights and international humanitarian law are individually responsible and accountable for those violations;

7. Expresses concern that most of the perpetrators of the genocide and other gross violations of human rights continue to evade justice;

8. Reiterates its request that all States cooperate fully with the Government of Rwanda and the International Tribunal for Rwanda in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process, and expresses its appreciation to the States which have already cooperated in prosecutions and in implementing the relevant Security Council resolution in this regard;

9. Notes the efforts which the International Tribunal for Rwanda has made to improve its performance and encourages further measures to enhance its efficiency;

10. Expresses its concern over the effectiveness of the witness protection programme of the International Tribunal for Rwanda and calls for the improvement of the witness protection programme as a matter of urgency;

11. Notes the indications of improvement in the human rights situation in Rwanda since the previous session of the Commission, expresses concern at continued violations of human rights and international humanitarian law and urges the Government of Rwanda to continue to investigate and prosecute such violations;

12. Recognizes that the promotion and protection of human rights for all are essential for achieving stability and security in the Great Lakes region;

13. Reiterates its sympathy and solidarity with genocide survivors, commends the Government of Rwanda for establishing a fund to assist them, commends those Governments that have contributed to the fund and again urges the international community to contribute generously;

14. Takes note with great concern of:

(*a*) The report of the International Commission of Inquiry (Rwanda) on the sale, supply and shipment of arms and related material in the Great Lakes region of Central Africa (S/1998/1096, annex);

(*b*) The report of the Investigative Team of the Secretary-General (S/1998/581, annex) and calls again upon the Government of Rwanda to respond to this report;

15. Condemns the illegal sale and distribution of arms and all other forms of assistance to former members of the Rwandan armed forces, Interahamwe and other insurgent groups which have a negative impact on human rights and undermine peace and stability in Rwanda and the region;

16. Notes that the Government of Rwanda is regrouping scattered rural populations in the country, including in the north-west, and urges the Government to respect human rights principles and not to use any elements of coercion in the implementation of the resettlement programme;

17. Takes note with interest of the establishment of grass-roots organizations for the reconstruction of society and calls upon the Government of Rwanda to ensure that they are properly trained, controlled and accountable;

18. Reiterates its concern at the conditions of detention in many communal detention centres and some prisons in Rwanda, calls on the Government of Rwanda to continue in its efforts to ensure that persons in detention are treated in a manner which respects their human rights and emphasizes the need for greater attention and resources to be directed to this problem, and again urges the international community to assist the Government of Rwanda in this area;

19. Encourages the continuing efforts of the Government of Rwanda to reduce the prison population by releasing minors, elderly prisoners, prisoners suffering from terminal illness and suspects with incomplete files who were detained for their alleged involvement in genocide

and other abuses of human rights, and reaffirms the urgent need to complete a dossier for every detainee with a view to identifying those who should be released immediately, early or conditionally, while expressing concern at the high number of detainees still awaiting trial;

20. Welcomes the continuation of domestic trials of those suspected of genocide and crimes against humanity and the improvements that have been made in the trial process, and encourages the Government of Rwanda, with the support of the international community, to strengthen the capacity of the independent judicial system in conformity with international standards;

21. Urges the Government of Rwanda and invites the International Tribunal for Rwanda to continue to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women, its causes and consequences, and welcomes the decision of the International Tribunal to give a broad definition to acts of sexual violence;

22. Takes note with interest of the efforts of the Government of Rwanda, supported by the Special Representative, to institute the *gacaca* system of justice based on traditional justice in Rwanda with the aim of speeding up the handling of the large caseload of detainees awaiting trial and allowing all the people of Rwanda to participate in the judicial process, consistent with international human rights standards, which will promote national reconciliation and unity;

23. Encourages the Government of Rwanda in its campaign of sensitization aimed at promoting the rule of law, respect for human rights and reconciliation;

24. Reiterates its appeal to the international community to provide financial and t echnical assistance to the Government of Rwanda within a mutually agreed framework of cooperation to help strengthen the protection of genocide survivors and witnesses and the administration of justice, including with regard to adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the

rule of law in Rwanda, and notes with appreciation assistance already provided by some members of the donor community;

25. Welcomes the new law on matrimonial property and succession, which ensures full real access by women to their husbands' and parents' property;

26. Commends the Government of Rwanda on its continued efforts to improve the situation of children and encourages it to continue with these efforts, including further coordinating them in close collaboration with the United Nations Children's Fund, guided by a concern for the best interests of children, as specified in the Convention on the Rights of the Child;

27. Encourages the Government of Rwanda, in cooperation with the Office of the United Nations High Commissioner for Refugees, to continue to provide protection and assistance to returnees to Rwanda;

28. Commends the Government of Rwanda on the establishment of the National Human Rights Commission and the support provided for its work;

29. Expresses its appreciation to the members of the National Human Rights Commission for the round table organized with the collaboration of the United Nations High Commissioner for Human Rights, the Government of Rwanda and the assistance of the Special Representative and the international community, which enabled the National Commission to develop a plan of action for the promotion and better protection of human rights in Rwanda;

30. Encourages the Government of Rwanda to provide its full support to the mandate of the National Human Rights Commission, including adequate funding, to enable it to investigate violations of human rights and to sensitize and train the Rwandese population, and invites the international community to assist the Government of Rwanda in this regard;

31. Welcomes the establishment of the Legal and Constitutional Commission as required and mandated under the Arusha Peace Agreement of August 1993 and urges the Government of Rwanda to provide it with the necessary support;

32. Urges the Government of Rwanda to work with interested Governments and the United Nations High Commissioner for Human Rights to facilitate the development of a national human rights monitoring capacity, including the training of national human rights monitors;

33. Welcomes the commitment of the Government of Rwanda to promoting national unity and reconciliation, encourages the Government of Rwanda to continue its efforts in that field, commends the establishment of the National Commission for Unity and Reconciliation and urges that international support be provided to enable the Commission to achieve its objectives;

34. Recommends that the international community continue to provide development assistance for the reconstruction and long-term stability of Rwanda;

35. Commends the Special Representative for his work, decides to extend his mandate for a further year, requests him to report to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-seventh session, in accordance with his mandate, and requests the High Commissioner to provide him with such financial assistance as he may require;

36. Calls for close regular consultation between the Special Representative and the Government of Rwanda, the National Human Rights Commission and all relevant national institutions;

37. Encourages the Government of Rwanda, other Governments, the United Nations High Commissioner for Human Rights, international organizations and non-governmental organizations to provide, within a mutually agreed framework of cooperation, support for the reconstruction of the human rights infrastructure in Rwanda, including a strong civil society;

38. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 13.]

55th meeting
18 April 2000
[Adopted without a vote. See chap. IX.]

2000/22. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolution 1999/16 of 23 April 1999 and taking note of the report of the Secretary-General on the question (E/CN.4/2000/101),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(*a*) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(*b*) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(*c*) Those who submit or have submitted communications under procedures established by human rights instruments;

(*d*) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-seventh session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above;

7. Decides to consider the question again at its fifty-seventh session.

56th meeting
18 April 2000
[Adopted without a vote. See chap. IX.]

2000/23. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Gravely concerned at the systematic and increasingly severe violations of civil, political, economic, social and cultural rights in Myanmar,

Recognizing that these severe violations of human rights by the Government of Myanmar have had a significant adverse effect on the health and welfare of the people of Myanmar,

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur, while noting the recent increased contacts between the Government of Myanmar and the international community,

Aware that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government and therefore gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Mindful that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions of 12 August 1949 on the protection of victims of war and the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization,

Recalling the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/2000/I/CRP.3/Add.2/Rev.1) on the initial report submitted by Myanmar to that treaty monitoring body in which, *inter alia,* it expresses its concern at violations of the human rights of women, in particular by military personnel, Noting the resolution adopted by the International Labour Conference at its 87th Session on the widespread use of forced labour in Myanmar, and also of the recommendation of the Governing Body of the International Labour Organization of 27 March 2000,

Recalling previous resolutions of the General Assembly and the Commission on the subject, most recently Assembly resolution 54/186 of 17 December 1999 and Commission resolution 1999/17 of 23 April 1999,

1. Welcomes:

(*a*) The report of the Special Rapporteur (E/CN.4/2000/38) on the situation of human rights in Myanmar and the report of the Secretary-General (E/CN.4/2000/29), and expresses its appreciation and support for the work of the Special Rapporteur;

(*b*) The resumption of cooperation with the International Committee of the Red Cross, allowing the Committee to communicate with and visit prisoners in accordance with its standard working rules, and encourages continued cooperation in that regard;

2. Notes the constructive dialogue between the Committee on the Elimination of Discrimination against Women and the Government of Myanmar at the recent session of that Committee;

3. Notes the visit to Myanmar by the Special Envoy of the Secretary-General in October 1999 for the purpose of holding discussions with the Government and with political leaders, including Aung San Suu Kyi and representatives of some ethnic minority groups, while regretting that two senior members of the latter were arrested shortly after having met with the Special Envoy, and calls upon the Government of Myanmar to enter into a constructive dialogue with the Secretary-General in order to make better use of his good offices;

4. Reaffirms the need to provide adequate protection and assistance for persons fleeing from Myanmar and, in this context, takes note with appreciation of the efforts of the

Government of Thailand in providing assistance and the expanded role played by the Office of the United Nations High Commissioner for Refugees;

5. Expresses its grave concern:

(*a*) At the increased repression of any form of public political activity, the arbitrary detention, the imprisonment and the systematic surveillance of those exercising their rights to freedom of thought, expression, assembly and association, as well as the harassment of their families;

(*b*) That, despite the partial reopening of some courses, most institutions of higher education have remained closed for political reasons for over three years;

(*c*) That the composition and working procedures of the National Convention do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and is concerned that the National Convention has not been convened since 1996 and thus is not in a position to further the restoration of democracy and national reconciliation;

(*d*) That the Government of Myanmar has failed to review its legislation, to cease its widespread use of forced labour of its own people and to punish those exacting forced labour, which has forced the International Labour Organization to exclude further cooperation with the Government until such time as it has implemented the recommendations of the Commission of Inquiry of the International Labour Organization regarding the implementation of its 1930 Convention (No. 29) on Forced or Involuntary Labour, except for the purpose of implementing those recommendations;

6. Deplores:

(*a*) The continuing pattern of gross and systematic violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, particularly in areas of ethnic tension, and enforced disappearances, torture, harsh prison conditions, abuse of women and children by government agents, arbitrary seizures of land and property, and the imposition of oppressive measures directed in particular at ethnic and religious minorities, including systematic programmes of forced relocation, destruction of crops and fields, the continued widespread use of forced labour, including for work on infrastructure projects, production of food for the military and as porters for the army;

(*b*) The lack of independence of the judiciary from the executive and the wide disrespect of the rule of law, including of the basic guarantees of due process, especially in cases involving exercise of political and civil rights and freedoms, resulting in arbitrary arrests and detentions, non-existence of judicial control over detentions, sentences passed without trial, keeping the accused in ignorance of the legal basis of the charge brought against them, trials held in secrecy and without proper legal representation, want of knowledge by the family and counsel of the accused about the sentence and detentions beyond the end of prison sentences;

(*c*) The continued violations of the human rights of, and widespread discriminatory practices against, persons belonging to minorities, including extrajudicial executions, rape, torture, ill-treatment and the systematic programmes of forced relocation directed against ethnic minorities, notably in Karen, Karenni, Rakhine and Shan States and in Tennasserim Division, resulting in the large-scale displacement of persons and flows of refugees to neighbouring countries, thus creating problems for the countries concerned, and particularly the condition of statelessness, the confiscation of land and the restrictions on movement faced by returning Rohingya refugees, which have prevented the establishment of stable conditions for their voluntary return in safety and dignity and for their reintegration and have contributed to movements out of the country;

(*d*) The continuing violations of the human rights of women, in particular forced labour, trafficking, sexual violence and exploitation, often committed by military personnel, and especially directed towards women who are returning refugees, internally displaced or belong to ethnic minorities or the political opposition;

(*e*) The continuing violations of the rights of children, in particular through the lack of conformity of the existing legal framework with the Convention on the Rights of the Child, through conscription of children into forced labour programmes, through their sexual exploitation and exploitation by the military, through discrimination against children belonging to ethnic and religious minority groups and elevated rates of infant and maternal mortality and malnutrition;

(*f*) The escalation in the persecution of democratic group activists, including elected representatives to the Parliament, students, trade unionists and members of religious orders, for peacefully exercising their rights to freedom of movement, expression, assembly and association, and the Government's use of intimidatory measures to force elected representatives and National League for Democracy members to resign from their positions and to close their party offices;

(*g*) The severe restrictions on the freedoms of opinion, expression, assembly and association, the restrictions on citizens' access to information, including censorship controls on all forms of domestic media and many international publications, and the restrictions imposed on citizens wishing to travel within the country and abroad, including the denial of passports on political grounds, and gross interference in private life, family, home or correspondence;

7. Calls upon the Government of Myanmar:

(*a*) To establish a constructive dialogue with the United Nations system, including the human rights mechanisms, for the effective promotion and protection of human rights in the country;

(*b*) To continue to cooperate with the Secretary-General or his representative and to broaden this dialogue, including through providing access to any person deemed appropriate by them, and to implement their recommendations;

(*c*) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention relating to the Status of Refugees and its Protocol;

8. Urges the Government of Myanmar to cooperate fully, and without further delay, with all United Nations representatives, in particular the Special Rapporteur, to allow him

urgently, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, and thus to enable him fully to discharge his mandate, and, in this context, regrets that, notwithstanding the recent indications that serious consideration would be given to a visit by the Special Rapporteur, he has not so far been given permission to visit the country;

9. Strongly urges the Government of Myanmar:

(*a*) To implement fully the recommendations made by the Special Rapporteur;

(*b*) To ensure full respect for human rights and fundamental freedoms, including the freedoms of expression, association, movement and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions;

(*c*) To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage immediately and unconditionally in a genuine and substantive dialogue with the leaders of political parties, including Aung San Suu Kyi, and of ethnic minorities with the aim of achieving national reconciliation and the restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely, and in this context notes that the National League for Democracy has established a committee to represent temporarily members of Parliament elected in 1990 who are prevented by the authorities from exercising their democratic mandate conferred on them by the people of Myanmar;

(*d*) To take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives, the prevention of intimidation and repression of political opponents and enabling the building up of a pluralistic civil society with the active participation of its members;

(*e*) To release immediately and unconditionally those detained or imprisoned for political reasons, including those in "government guest houses", and to ensure their physical integrity and to permit them to participate in a meaningful process of national reconciliation;

(*f*) To improve conditions of detention, in particular in the field of health protection, and to eliminate unnecessary restrictions imposed on the detainees;

(*g*) To ensure the safety and well-being and freedom of movement of all political leaders, including Aung San Suu Kyi, and to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders;

(*h*) To fulfil its obligations under the Convention on the Rights of the Child and under the Convention on the Elimination of All Forms of Discrimination against Women by bringing national legislation and practice into conformity with these conventions, and to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(*i*) To implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women and to carry out human rights education and gender-sensitization training, in particular for military personnel;

(*j*) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law, to end the use of children as soldiers and to avail themselves of services offered by impartial humanitarian bodies;

(*k*) To cease the widespread and systematic use of forced labour and use of exploitative child labour, and to implement the recommendations of the Commission of Inquiry, while noting the order by the Government of Myanmar issued in May 1999 directing that the power to requisition forced labour under the Towns Act and the Village Act not be exercised, as well as the invitation to visit, addressed to the International Labour Organization in October 1999;

(*l*) To adopt, as a matter of urgency, appropriate measures to fulfil its obligations as a State party to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization and to implement the conclusions of the Commission of Inquiry;

(*m*) To cease the laying of landmines, in particular as a means of ensuring forced relocation, and to desist from the forced conscription of civilians to serve as human minesweepers, as indicated in the report of the Commission of Inquiry;

(*n*) To end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in safety and dignity, including returnees who have not been granted rights of full citizenship, in close cooperation with the international community, through the United Nations system and its specialized agencies, governmental and intergovernmental organizations, as well as non-governmental organizations;

(*o*) To fulfil its obligations to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

10. Decides:

(*a*) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session and to report to the

Commission at its fifty-seventh session, and to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to pursue all efforts to ensure that the Special Rapporteur is authorized to visit Myanmar;

(*c*) To request the Secretary-General to continue his discussions with the Government on the situation of human rights and the restoration of democracy and with anyone he may consider appropriate in order to assist in the implementation of General Assembly resolution 54/186 and of the present resolution;

(*d*) To request the United Nations High Commissioner for Human Rights to cooperate with the Director-General of the International Labour Office with a view to identifying ways in which their offices might usefully collaborate for the improvement of the human rights situation in Myanmar;

(*e*) To request the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

(*f*) To continue its consideration of this question at its fifty-seventh session.

56th meeting
18 April 2000
[Adopted without a vote. See chap. IX.]

2000/24. Situation of human rights in Sierra Leone

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, Mindful that Sierra Leone is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Geneva Conventions of 12 August 1949, as well as to the African Charter on Human and Peoples' Rights,

Taking note of Security Council resolutions 1265 (1999) of 17 September 1999, 1270 (1999) of 22 October 1999, 1289 (2000) of 7 February 2000 and recalling Commission resolution 1999/1 of 6 April 1999,

Expressing concern regarding the continuing violations of human rights and humanitarian law committed in Sierra Leone, particularly against civilians, abducted women and children,

1. Welcomes:

(*a*) The report of the United Nations High Commissioner for Human Rights (E/CN.4/2000/31) and the first, second and third reports of the Secretary-General on the United Nations Mission in Sierra Leone (S/1999/1223, S/2000/13 and S/2000/186);

(*b*) The deployment of the United Nations in Sierra Leone, established by Security Council resolution 1270 (1999) of 22 October 1999, with the mandate, *inter alia*, to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, to assist the Government of Sierra Leone in its efforts to address the country's human rights needs;

(*c*) The efforts made by the Government of Sierra Leone, the leadership of the Revolutionary United Front, the Military Observer Group of the Economic Community of West African States and the United Nations Mission in Sierra Leone towards the implementation of the Peace Agreement signed in Lomé on 7 July 1999;

(*d*) The steps taken by the Government of Sierra Leone and Sierra Leonean civil society to create a human rights infrastructure in the country, in particular the efforts to establish an effectively functioning Truth and Reconciliation Commission, a National Human Rights

Commission and a Commission for the Consolidation of Peace, and reiterates the continued need to promote peace and national reconciliation and to foster accountability and respect for human rights;

(*e*) The recent adoption by the Sierra Leone Parliament of a statute establishing the Truth and Reconciliation Commission and the recent establishment of a new National Electoral Commission;

(*f*) The adoption of the Human Rights Manifesto by the Government of Sierra Leone, the National Commission for Democracy and Human Rights, representatives of civil society, the Special Representative of the Secretary-General and the United Nations High Commissioner for Human Rights on the occasion of the latter's visit to Sierra Leone in June 1999;

(*g*) The human rights training, including specialized gender and child rights training, provided to national human rights monitors, police officers and military personnel of the United Nations Mission in Sierra Leone;

(*h*) The deployment of a child protection adviser within the United Nations Mission in Sierra Leone to help to ensure the protection of children's rights, which is a priority throughout the peacekeeping process and the consolidation of peace in Sierra Leone;

(*i*) The assistance provided by the Office of the United Nations High Commissioner for Human Rights, the United Nations Mission in Sierra Leone and the international community to the Government of Sierra Leone in addressing its human rights obligations;

(*j*) The activities carried out by the International Committee of the Red Cross and humanitarian organizations, especially those in the field of medical assistance and relief activities focused on the rehabilitation of internally displaced persons;

2. Notes that the Special Representative of the Secretary-General entered a reservation, attached to his signature of the Peace Agreement, that the United Nations holds the understanding that the amnesty provisions of the Agreement shall not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of

international humanitarian law, and affirms that all persons who commit or authorize serious violations of human rights or international humanitarian law at any time are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice;

3. Expresses its grave concern:

(*a*) At the continuing abuses of human rights and humanitarian law committed in Sierra Leone, generally with impunity, in particular atrocities against civilians being perpetrated by the Revolutionary United Front Armed Forces Revolutionary Council and the ex-Sierra Leone Army, including rapes, abductions, hostage-taking, summary executions, mutilations, forced labour and the targeting and abuse of women and children, including the recruitment and use of child soldiers contrary to international law and the continued detention of abductees;

(*b*) At the slow pace of the disarmament, demobilization and reintegration programme, continued trafficking in small arms and the continued retention by certain ex-combatants of heavy weapons;

(*c*) At the dire humanitarian situation affecting the population, including refugees and internally displaced persons, caused by the limited humanitarian access to the population particularly in the most affected areas of the north and east of the country;

(*d*) At the detention of, and attacks on, humanitarian personnel, in particular the incidents of June and July 1999;

4. Deplores the ongoing atrocities committed by the rebels, including murders, rape, abductions and detentions, calls for an end to all such acts, and also calls for the cessation of the recruitment and use of children as soldiers contrary to international law, and of all attacks on civilians;

5. Urges all parties to the Peace Agreement:

(*a*) To fulfil all their commitments under the Peace Agreement in order to facilitate the restoration of peace, stability, national reconciliation and development in Sierra Leone;

(*b*) To respect human rights and international humanitarian law, including the human rights and welfare of women and children;

(*c*) To provide full and unconditional cooperation with the United Nations Mission in Sierra Leone, including the human rights section of that Mission and unconditional access for the Mission throughout the country;

(*d*) To work together to ensure full and early disarmament of former combatants in all areas, and to give special attention to child combatants in the disarmament; demobilization and reintegration process;

(*e*) To ensure safe and unhindered access to all affected populations in accordance with international humanitarian law and that the status of the United Nations and associated personnel, including locally engaged staff, as well as humanitarian personnel, is fully respected by providing guarantees for their safety, security and freedom of movement;

(*f*) To respect the rights of refugees and internally displaced persons and to facilitate their return, voluntarily and in safety, to their homes;

6. Calls upon the Government of Sierra Leone:

(*a*) To continue to comply with its obligations to promote and protect human rights;

(*b*) To continue to work closely and strengthen further its cooperation in the area of human rights with the United Nations Mission in Sierra Leone and the Office of the United Nations High Commissioner for Human Rights;

(*c*) To ensure the effective functioning of the Truth and Reconciliation Commission in order to address the question of violations of human rights and international humanitarian law since the beginning of the Sierra Leone conflict in 1991;

(*d*) To give priority attention to the special needs of women and children, in particular those mutilated, sexually abused, gravely traumatized and displaced, in cooperation with the international community;

7. Also calls upon the Government of Sierra Leone to investigate all reports of human rights abuses that have occurred since the signing of the Peace Agreement and to end impunity, and requests the Secretary-General and the High Commissioner to respond favourably to any requests from the Government of Sierra Leone for assistance with its investigation of reports of human rights abuses that have occurred since the signing of the Peace Agreement;

8. Decides:

(*a*) To request the High Commissioner and the international community to continue to assist the Government of Sierra Leone to establish and maintain an effectively functioning Truth and Reconciliation Commission and National Human Rights Commission;

(*b*) To request the Secretary-General, the High Commissioner and the international community to give all necessary assistance to the human rights section of the United Nations Mission in Sierra Leone to enable it to fulfil its mandate to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs; including:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes;

(ii) To strengthen its support for, and to continue and expand its cooperation with, human rights non-governmental organizations in Sierra Leone;

(*c*) To request the High Commissioner to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session on the human rights situation in Sierra Leone, including with reference to reports from the United Nations Mission in Sierra Leone;

(*d*) To consider this question at its fifty-seventh session under the same agenda item, as a matter of high priority.

56th meeting
18 April 2000
[Adopted without a vote. See chap. IX.]

2000/25. Situation of human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1999/8 of 23 April 1999,

Reaffirming the obligation of all Member States to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and in the Universal Declaration of Human Rights,

Mindful that Cuba is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reasserting the Commission's obligation to promote and protect human rights on the basis of the universal nature of the Universal Declaration of Human Rights, in all countries of the world, independently from other bilateral or regional issues affecting the country in question,

Recognizing the need to respect and guarantee civil and political rights and to strive to bring about full enjoyment of economic, social and cultural rights, Considering the urgent need to adopt the necessary measures to ensure full respect for human rights in Cuba and to contribute to developing a more pluralistic society and a more efficient economy, and considering also the willingness of the international community to assist therein,

Expressing its concern at the continued violation of human rights and fundamental freedoms in Cuba, such as freedom of expression, association and assembly and the rights associated with the administration of justice, despite the expectations raised by some positive steps taken by the Government of Cuba in the past few years,

1. Calls upon the Government of Cuba once again to ensure respect for human rights and fundamental freedoms and to provide the appropriate framework to guarantee the rule of law through democratic institutions and the independence of the judicial system;

2. Calls upon the Government of Cuba to honour the commitment to democracy and respect for human rights it made at the Sixth Ibero-American Summit in Santiago in November 1996, a commitment reiterated at the Ninth Summit in Havana in November 1999 and an identical commitment made at the first European Union-Latin America Summit of Heads of State and Government, held in Rio de Janeiro in June 1999, which is contained in the Rio Declaration adopted by the Summit;

3. Expresses the hope that further positive steps will be taken with regard to all human rights and fundamental freedoms;

4. Notes certain measures taken by Cuba to enhance freedom of religion and calls upon the Cuban authorities to continue taking appropriate measures in this regard;

5. Calls upon the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party, in particular the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;

6. Expresses once again its concern about practical consequences of the adoption of the Law for the Protection of the National Independence and Economy of Cuba, and regrets the other steps taken by the Government of Cuba that are inconsistent with the Universal Declaration of Human Rights and other relevant human rights instruments;

7. Reiterates its concern about the continued repression of members of the political opposition and about the detention of dissidents, including the members of the Grupo de Trabajo de la Disidencia Interna, and calls upon the Government of Cuba to release all the persons detained or imprisoned for peacefully expressing their political, religious and social views and for exercising their rights to full and equal participation in public affairs;

8. Calls upon the Government of Cuba to open a dialogue with the political opposition, as already requested by several groups;

9. Invites the Government of Cuba to afford the country full and open contact with other countries, in order to ensure the enjoyment of all human rights for all Cuban people by utilizing international cooperation, by allowing a freer flow of people and ideas and by drawing on the experience and support of other nations;

10. Recommends in this context, that the Government of Cuba take advantage of the technical cooperation programmes of the Office of the United Nations High Commissioner for Human Rights;

11. Calls upon the Government of Cuba also to cooperate with other mechanisms of the Commission, and notes the visits of the Special Rapporteur on violence against women, its causes and consequences, and of the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;

12. Calls upon the Government of Cuba to grant invitations to those thematic mechanisms of the Commission on Human Rights which have requested to visit Cuba, including the Special Rapporteur on the promotion and protection of the freedom of opinion and expression and the Special Rapporteur on the question of torture;

13. Decides to consider this matter further at its fifty-seventh session under the same agenda item.

56th meeting
18 April 2000
[Adopted by a roll-call vote of 21 votes to 18,
with 14 abstentions. See chap. IX.]

2000/26. Situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina

The Commission on Human Rights,

Recalling all relevant resolutions on this subject, in particular its own resolution 1999/18 of 23 April 1999, as well as all relevant resolutions of the Security Council, and noting in particular Council resolution 1244 (1999) of 10 June 1999,

Expressing its full support for the General Framework for Peace in Bosnia and Herzegovina (the "Framework Agreement") and the annexes thereto (together, the "Peace Agreement") which, *inter alia*, committed the parties in Bosnia and Herzegovina to respect fully human rights,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions,

I. INTRODUCTION

1. Stresses once again the obligations of the parties under the Peace Agreement to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

2. Notes that, while there have been significant positive developments on human rights in Croatia, and Bosnia and Herzegovina has made some limited improvement on human

rights issues during the past year, the situation in the Federal Republic of Yugoslavia (Serbia and Montenegro) remains a source of grave concern;

3. Stresses the continuing problems of varying degrees of seriousness throughout the region:

(*a*) Lack of full respect for the human rights of all individuals;

(*b*) The need to promote and protect democratic institutions of government;

(*c*) Serious weaknesses in the rule of law, the administration of justice, and independence of the judiciary;

(*d*) Lack of respect for the freedoms of expression and association and for the freedom and independence of the media;

(*e*) Continuing obstruction of the work of the International Criminal Tribunal for the Former Yugoslavia;

(*f*) The need to encourage and facilitate the return of, as well as to protect and assist refugees and displaced persons until they are able to return to their homes in safety and dignity;

(*g*) Missing persons;

4. Appeals once more to the international community to support the promotion and protection of human rights, to continue to support existing national democratic forces and non-governmental organizations in their efforts to strengthen civil society, and notes in this regard the opportunities afforded by the Stability Pact for South-Eastern Europe;

5. Expresses its appreciation for the ongoing important work of the Office of the United Nations High Commissioner for Human Rights and its field operation in the region;

6. Requests the United Nations High Commissioner for Human Rights and the Secretary-General to take concerted action with the assistance of the international community to develop early-warning procedures in the field of human rights with a view to identifying situations that could lead to conflict or humanitarian tragedy;

7. Takes note of the reports of the Special Rapporteur (E/CN.4/2000/39) and of the High Commissioner (E/CN.4/2000/32);

8. Decides to renew the mandate of the Special Rapporteur for one year and requests the Special Rapporteur to report to the Commission at its fifty-seventh session on the work conducted in fulfilment of the mandate and to submit an interim report to the General Assembly at its fifty-fifth session, paying particular attention to those areas that remain a source of grave concern, including the deteriorating human rights situation in the Federal Republic of Yugoslavia (Serbia and Montenegro);

9. Recommends, if the commitment to and progress made on human rights and democratic principles in Croatia continue, that Croatia be considered at its fifty-seventh session under the agenda item on technical assistance and advisory services;

II. FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

10. Welcomes positive trends in Montenegro towards democratic and economic reforms;

11. Expresses grave concern at the ongoing serious violations of human rights and the deteriorating human rights and humanitarian situation in the Federal Republic of Yugoslavia (Serbia and Montenegro) caused by the repressive policies and measures of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and of Serbia;

12. Condemns the continued repression of the independent media, political opposition and non-governmental organizations, the seizing and destruction of the assets of independent media, the use of police intimidation, the use of technical means (jamming) against independent media, the imposition of fines upon individual journalists, the forceful repression of peaceful

political opposition activities, and court cases directed against prominent opposition leaders, such as Zoran Djindjic, Vladan Batic, Goran Svilanovic and Milan Stojan Protic, leaders of the Alliance for Change, Social Democrat leader Vuk Obradovic and others for "verbal crimes";

13. Also condemns the arbitrary administration of justice and application of the law, as evidenced by the detention, trial and sentencing of Dr. Flora Brovina and actions taken against other human rights activists;

14. Expresses grave concern that discrimination and violence against ethnic minorities have worsened during the year;

15. Regrets that the Federal Republic of Yugoslavia (Serbia and Montenegro) has not complied with the recommendations of the Chairman-in-Office of the Organization for Security and Co-operation in Europe regarding fostering democracy and the rule of law;

16. Notes with grave concern that Slobodan Milosevic and other senior leaders of the Federal Republic of Yugoslavia (Serbia and Montenegro) continue to maintain positions of power despite their indictment for war crimes and crimes against humanity, that the Federal Republic of Yugoslavia (Serbia and Montenegro) has repeatedly ignored the orders of the International Criminal Tribunal for the Former Yugoslavia to transfer indicted war criminals to The Hague for trial and has not transferred even one indictee to The Hague since the inception of the Tribunal;

17. Stresses the evidence that the most senior leaders of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) are responsible for the continuing refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to meet its obligations to cooperate with the Tribunal;

18. Demands, in accordance with Security Council resolution 827 (1993) of 25 May 1993 and the Statute of the International Criminal Tribunal for the Former Yugoslavia, that the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully with the Tribunal and, in particular, permit immediate access to all parts of the Federal Republic

of Yugoslavia (Serbia and Montenegro), firstly through prompt issuance of requested visas to officials of the Tribunal to conduct investigations;

19. Condemns the extralegal proceedings undertaken by the Federal Republic of Yugoslavia (Serbia and Montenegro) against the "Vukovar three";

20. Calls upon authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to:

(*a*) Comply fully with the obligation to cooperate with the International Criminal Tribunal for the Former Yugoslavia;

(*b*) Respect fully human rights and fundamental freedoms, including early, free and fair elections at all levels, the rule of law, the administration of justice, and free and independent media;

(*c*) End torture and other cruel, inhuman or degrading treatment or punishment of persons in detention, and to bring those responsible for such acts to justice;

(*d*) Repeal repressive and discriminatory legislation on property rights, universities and the media, and to apply all other legislation without discrimination;

(*e*) Respect the rights of all persons belonging to minority groups, especially in Sandjak and Vojvodina, including the Albanian, Bulgarian, Croatian and Hungarian national minorities and the Roma and Muslim minority, among others;

(*f*) Return the armed and police forces to civil and democratic control as specified by the Constitution;

(*g*) Provide a full accounting for and protect the humanitarian and legal rights of the large number of prisoners deprived of liberty and removed from Kosovo at the end of the conflict;

21. Welcomes the activities carried out by the International Committee of the Red Cross with regard to regular visits to some one thousand five hundred detainees and prisoners, mainly of Kosovar Albanian origin, held under the authority of the Ministry of Justice in Serbia;

22. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as the United Nations Interim Administration Mission in Kosovo, the International Security Force in Kosovo and Kosovo Albanian representatives, to provide information on the fate and the whereabouts of all persons who are missing or unaccounted for and encourages the International Committee of the Red Cross to pursue its clarification efforts in this regard, in cooperation with other organizations;

23. Calls upon the international community to continue to support national democratic forces and non-governmental organizations in their efforts to build a civil society and achieve multi-party democracy in the Federal Republic of Yugoslavia (Serbia and Montenegro) and to provide resources for capacity-building in the administration of justice;

24. Expresses its concern about the situation of the large number of Serbian displaced persons within the Federal Republic of Yugoslavia (Serbia and Montenegro);

III. KOSOVO

25. Recalls its condemnation of the Serbian military offensive against the civilian population of Kosovo resulting in war crimes and gross violations of international human rights and international humanitarian law inflicted upon the Kosovars, including a systematic policy of ethnic cleansing in the region, systematic targeting and terrorization of the civilian population of Kosovo by Serbian forces, mass forced displacement, expulsion, group massacres and summary executions, torture, arbitrary detention, deaths in detention, rape, widespread destruction of homes, property and villages, destruction of personal identity documents and other records, destruction of agricultural capacity aimed at preventing the return of Kosovars, the violent repression of non-violent expression of political views, and the harassment, intimidation and closure of independent media outlets in Kosovo;

26. Calls upon the leadership of all ethnic groups to respect international human rights standards and international humanitarian law, to condemn acts of terrorism, to refrain from all acts of violence, to encourage the pursuit of political ends through peaceful means and to act with respect for the rights and dignity of all persons belonging to minority groups;

27. Condemns all acts of ethnic violence and intimidation by all parties in Kosovo;

28. Urges all political leaders in Kosovo to cooperate fully with the United Nations Interim Administration Mission in Kosovo and the International Security Force in Kosovo in their efforts to strengthen law and security, firmly to reject violence, to reject those who advocate violent measures, to take action at the community level to prevent violence, in particular ethnic violence, and to engage in and support only peaceful and democratic civil or political activity;

29. Calls upon representatives of all communities to participate fully in the joint administrative structures established by the Special Representative of the Secretary-General in order to contribute to the coexistence of all ethnic groups and the democratization of Kosovo, in conformity with the objectives set out in Security Council resolution 1244 (1999), and in this context welcomes the recent decision by members of the Kosovo Serb National Council to nominate two representatives to participate in the Interim Administration Council in Kosovo, initially in the capacity of observers;

30. Stresses the importance of the return of refugees and displaced persons to their homes in safety and dignity;

31. Also stresses the importance of careful and thorough preparation of local elections to be held in autumn 2000 and of full cooperation of all parties with the United Nations Interim Administration in Kosovo and the Organization for Security and Co-operation in Europe;

32. Emphasizes the need for a fully independent and impartial judiciary and calls upon all parties to cooperate fully with the United Nations Interim Administration Mission in Kosovo in its efforts to strengthen the judicial system;

IV. REPUBLIC OF CROATIA

33. Welcomes the democratic election of a reform-oriented new Government in Croatia;

34. Also welcomes the commitment made and substantial initial steps taken by the newly elected Government to allow for the establishment of independent media, undertake judicial reform and guarantee the independence of the judiciary, and to facilitate refugee returns;

35. Further welcomes the agreement between the Government of the Republic of Croatia and the United Nations High Commissioner for Human Rights on technical cooperation and assistance programmes;

36. Welcomes the transfer to the International Criminal Tribunal for the Former Yugoslavia by the Government of Croatia of indicted war criminals, including Mladen Naletilic ("Tuta");

37. Calls upon the newly elected Government of the Republic of Croatia to sustain this progress and the concrete measures under way to ensure full compliance with international norms and standards of human rights and fundamental freedoms, in particular the rights of persons belonging to all minority groups, especially by:

(*a*) Facilitating and encouraging the return and accommodation of displaced persons, refugees and resettled persons, and reconstruction of war-affected settlements;

(*b*) Cooperating fully with the international organizations operating in the Republic of Croatia, in particular the Office of the High Commissioner for Human Rights and the Organization for Security and Co-operation in Europe;

(*c*) Taking further steps to ensure that Croatian law applies equally to all citizens, irrespective of ethnicity, and eliminating any instances of discrimination by private citizens or government officials;

(*d*) Ensuring the non-discriminatory application of the general amnesty law, including by providing regular information to the International Criminal Tribunal for the Former Yugoslavia about domestic war crimes prosecutions;

V. BOSNIA AND HERZEGOVINA

38. Notes the progress made in some areas of Bosnia and Herzegovina in implementation of the Peace Agreement and some improvement in respect for human rights;

39. Also notes some progress on refugee returns, while stressing the need for all authorities to support the return process for minority displaced persons and refugees in both entities, in particular within the Republika Srpska and in Mostar and certain other Bosnian Croat areas;

40. Condemns in the strongest possible terms the intimidation of and perpetuation of violence against minority refugees and internally displaced persons returning to their homes, the destruction of their homes and all other acts designed to discourage their voluntary return, and calls for the authorities to conduct vigorous investigations to determine responsibility for such acts and to ensure that the perpetrators are brought to justice and to protect and assist refugees and displaced persons until they are able to return to their homes in safety and dignity;

41. Condemns all forms of discrimination against refugees and displaced persons concerning their labour rights and requests the International Labour Organization, the United Nations High Commissioner for Human Rights, as well as the Special Rapporteur, to pay attention to the implementation of international standards and recommendations in this area;

42. Emphasizes once more that the primary responsibility for ensuring the progressive achievement of democratic goals and building a tolerant, multi-ethnic society lies with the people of Bosnia and Herzegovina and its leadership, in particular through the State-level Government and the governments of both entities, as well as through, *inter alia*, municipal and cantonal authorities and religious communities;

43. Welcomes the full cooperation with the Office of the High Representative in the joint exhumation process in Bosnia and Herzegovina;

44. Calls upon officials of Bosnia and Herzegovina, including those of the Republika Srpska and the Federation at all levels:

(*a*) To implement the decisions of the High Representative; the decisions of the Commission on Human Rights for Bosnia and Herzegovina, the Office of the Human Rights Ombudsman and the Human Rights Chamber; and the decisions of the Commission for Real Property Claims of Refugees and Displaced Persons;

(*b*) To cooperate fully with relevant international humanitarian agencies and neighbouring States to facilitate returns;

(*c*) To adopt an effective and fair election law, according to international standards;

(*d*) To combat vigorously the growing problem of trafficking in persons, including women and children;

(*e*) To continue to improve police standards, *inter alia* by eliminating unprofessional conduct, political influence and the use of excessive force;

(*f*) To ensure the establishment and functioning of an independent judiciary, free from political influence;

VI. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

45. Calls upon all parties to the Peace Agreement, especially the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), to meet their obligations to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia, noting that there is no valid constitutional or statutory reason for failure to cooperate, and urges all parties to respect the "rules of the road" for the submission of cases to the Tribunal;

46. Urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal stand trial before it, by ensuring that victims and witnesses are given adequate protection and by continuing to make available to the Tribunal adequate resources to aid in the fulfilment of its mandate;

47. Welcomes the close cooperation between the multinational Stabilization Force and the Tribunal that has led to a substantial number of arrests of persons indicted for war crimes, the most recent example of which is the arrest of Momcilo Krajisnik;

48. Calls upon all indicted persons to surrender voluntarily to the custody of the Tribunal, as required by the Peace Agreement;

49. Urgently calls once again upon authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) and in Bosnia and Herzegovina, including those of the Federation and in particular in the Republika Srpska, to apprehend and surrender for prosecution all persons indicted by the Tribunal, as required by Security Council resolution 827 (1993) and the statement by the President of the Council of 8 May 1996, and calls upon all parties to cooperate in the apprehension and surrender of indictees who may be in their territory.

56th meeting
18 April 2000
[Adopted by a roll-call vote of 44 to 1,
with 8 abstentions. See chap. IX.]

2000/27. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the Geneva Conventions of 12 August 1949,

Recalling previous resolutions of the General Assembly and the Commission on the situation of human rights in the Sudan, most recently Commission resolution 1999/15 of 23 April 1999, and taking note of Assembly resolution 54/182 of 17 December 1999,

Welcoming the Peace Agreement of 1997 for the Sudan, the acceptance of the Declaration of Principles as a basis for negotiations and the renewal of the declaration of a comprehensive ceasefire in January 2000, while at the same time deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Movement/Army on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Aware of the urgent need to implement effective measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the context of the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment for the respect of human rights in the Sudan, and taking note of the initiative by Egypt and the Libyan Arab Jamahiriya for achieving a negotiated and lasting peace in the country,

1. Welcomes:

(*a*) The interim report of the Special Rapporteur on the situation of human rights in the Sudan submitted to the General Assembly at its fifty-fourth session (A/54/467) as well as the note by the secretariat (E/CN.4/2000/36) containing an advance summary of the report to be submitted to the Commission;

(*b*) The visits by the Special Rapporteur to the Sudan in February 1999 and in February-March 2000 and the full cooperation extended by the Government of the Sudan in this regard, as well as the stated willingness of the Government to continue to cooperate with the Special Rapporteur;

(*c*) The visit by the Special Representative of the Secretary-General for children and armed conflict to the Sudan in March 1999, the cooperation extended by the Government of the Sudan in this regard and the commitment made on that occasion by the Government of the Sudan not to recruit children under the age of 18 as soldiers;

(*d*) The invitation extended by the Government of the Sudan to the Special Rapporteur on religious intolerance;

(*e*) The cooperation extended by the Government of the Sudan to the needs assessment mission of the Office of the High Commissioner for Human Rights in September 1999;

(*f*) The fact-finding mission by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in September 1999, pursuant to the invitation of the Government of the Sudan, and the cooperation extended to the Special Rapporteur in this regard;

(*g*) The cooperation extended by the Government of the Sudan and the Sudanese People's Liberation Movement/Army to the needs assessment missions of the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund and the World Food Programme to the Nuba Mountains in June and September 1999, as well as the ceasefire declared following those missions for vaccination purposes, and encourages all parties to continue to cooperate with the United Nations in this regard;

(*h*) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(*i*) The stipulation of basic human rights and freedoms in the Constitution of the Sudan, which entered into force on 1 July 1998;

(*j*) The establishment of the Constitutional Court, which has been in operation since April 1999;

(*k*) The creation of the Committee for the Eradication of Abduction of Women and Children, which has been in operation since May 1999, as a constructive response on the part of the Government of the Sudan and the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(*l*) Recent efforts to improve freedom of expression, association, the press and assembly, in particular the adoption of the Political Organization Act, 2000, and the announcement relating to the creation of a High Commission to review the Law on Public Order;

(*m*) The efforts to implement the right to education;

(*n*) The efforts to address the problem of internally displaced persons;

(*o*) The release of political detainees by the Government of the Sudan;

2. Expresses its deep concern:

(*a*) At the impact of the current armed conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and at serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict, in particular:

(i) The occurrence of cases of summary or arbitrary execution resulting from armed conflicts between members of the armed forces and armed insurgent groups within the country;

(ii) The occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearance, the use of children as soldiers and combatants in contravention of international human rights standards, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians;

(iii) Information that not all means of avoiding the execution of severe, inhuman punishments have been fully utilized;

(iv) The abduction of women and children to be subjected to forced labour or similar conditions;

(v) Aerial bombardments against the civilian population and civilian objects, particularly bombings of schools and hospitals;

(vi) The use of weapons, including landmines, against the civilian population;

(vii) The conditions imposed by the Sudanese People's Liberation Army on humanitarian organizations working in southern Sudan, which have seriously affected their safety and led to the withdrawal of many of them, with grave consequences on the already endangered situation of thousands of people living in that region;

(viii) The murder of, attacks on and use of force against United Nations as well as humanitarian personnel, in particular by the Sudanese People's Liberation Army;

(*b*) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) Severe restrictions on the freedoms of religion, expression, association and peaceful assembly;

(ii) The widespread use of torture and arbitrary arrest and detention without trial, in particular of political opponents, human rights defenders and journalists, as well as acts of intimidation and harassment against the population by the security organs;

(iii) Arbitrary detentions, interrogations and violations committed by security and intelligence agencies, while encouraging the judiciary to exercise more control over such agencies;

3. Urges all parties to the continuing conflict in the Sudan:

(*a*) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(*b*) To stop immediately the use of weapons, including landmines, against the civilian population, and urges in particular the Sudanese People's Liberation Army to abstain from using civilian premises for military purposes, recruiting child soldiers and diverting relief supplies, including food, from their civilian recipients;

(*c*) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all means possible the delivery of humanitarian assistance to all civilians in need of protection and assistance, in particular in the Western Upper Nile, Bahr el-Ghazal and the Nuba Mountains, to continue to cooperate with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance, and urges in particular the Sudanese People's Liberation Army to resume as soon as possible negotiations with a view to the withdrawal of the conditions imposed on the work of international agencies and humanitarian organizations;

(*d*) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development;

(*e*) Not to use or recruit children under the age of 18, and urges the Sudanese People's Liberation Army to undertake a commitment similar to that made by the Government of the Sudan to the Special Representative of the Secretary-General for children and armed conflict in this regard and to refrain from the practice of forced conscription;

(*f*) To fulfil their commitments concerning the protection of children affected by war, such as to cease the use of anti-personnel landmines and the abduction and exploitation of children, to address the prevention of children's recruitment as soldiers, to advance the demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors;

(*g*) To allow an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999 while travelling with a team from the International Committee of the Red Cross and subsequently killed while in the custody of the Sudanese People's Liberation Movement/Army, and urges the Sudanese People's Liberation Movement/Army to return the bodies to their families;

4. Calls upon the Government of the Sudan:

(*a*) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(*b*) To continue its efforts to ensure the rule of law by bringing legislation more into line with the Constitution and the practice of law enforcement more into line with legislation;

(*c*) To continue its efforts to bring its national legislation into conformity with the applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(*d*) To take all effective measures to end and to prevent all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards and to investigate all reported acts of torture brought to its attention;

(*e*) To take all possible measures to improve the appeal procedures in the judicial system;

(*f*) To make sure that all means of avoiding the execution of severe, inhuman punishments are fully utilized;

(*g*) To continue to investigate reports of the abduction of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities and not cooperating with the efforts of the Committee for the Eradication of Abduction of Women and Children in addressing and

preventing those activities, to facilitate the safe return of affected children to their families as a matter of priority and to take further measures to eradicate the practice of abduction of women and children, in particular through the aforementioned Committee;

(*h*) To make further efforts to address the problem of internally displaced persons;

(*i*) To create the conditions necessary for the Committee for the Eradication of Abduction of Women and Children to carry out its work fully, including the identification of cases and victims, family reunification and the development of concrete measures to eradicate this practice;

(*j*) To stop immediately the aerial bombardment of the civilian population and civilian objects, including schools and hospitals, which runs counter to fundamental principles of human rights and humanitarian law;

(*k*) To ensure full respect for freedom of expression, opinion, thought, conscience and religion, as well as freedom of association and assembly, throughout the territory of the Sudan;

(*l*) To implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(*m*) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General for children and armed conflict not to recruit children under the age of 18 as soldiers;

(*n*) To implement the Standard Minimum Rules for the Treatment of Prisoners and to give special consideration to imprisoned women and juveniles deprived of their liberty;

5. Encourages the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights, including in the field of technical cooperation, with a view to the establishment of a permanent representation of the High Commissioner in the Sudan;

6. Calls upon the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law during the conflict;

7. Decides:

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(*c*) Noting with appreciation the signature of the accord between the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights on 29 March 2000 and the commitment of the Government of the Sudan to implement it, to request the Government of the Sudan and the Office of the High Commissioner to continue their consultations with a view to concluding an agreement on the establishment of a permanent representation of the Office of the United Nations High Commissioner for Human Rights in the Sudan.

56th meeting
18 April 2000
[Adopted by 28 votes to none,

with 24 abstentions. See chap. IX.]

2000/28. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which are Assembly resolution 54/177 of 17 December 1999 and Commission resolution 1999/13 of 23 April 1999,

1. Welcomes:

(*a*) The report of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2000/35), in which he notes that there is prospect for substantial and far-reaching change which will have, and in some areas has already had, a positive impact on the human rights situation;

(*b*) The broad participation in the parliamentary elections held on 18 February 2000, which expressed the commitment of the Iranian people to the democratic process in the Islamic Republic of Iran;

(*c*) The commitment made by the Government of the Islamic Republic of Iran to promote respect for the rule of law, including the elimination of arbitrary arrest and detention, and to reform the legal and penitentiary system and bring it into line with international human rights standards in this field;

(*d*) The progress made in Iran in the area of freedom of expression, in particular towards a more open debate on issues of governance and human rights, whilst remaining concerned at restrictions on the freedom of the press and cases of harassment and intimidation of journalists;

(*e*) The invitation extended by the Government of the Islamic Republic of Iran to the Working Group on Enforced or Involuntary Disappearances to visit Iran, which will hopefully take place in the near future;

(*f*) The recent visit to the Islamic Republic of Iran of a technical cooperation needs assessment mission from the Office of the United Nations High Commissioner for Human Rights;

(*g*) Progress made with regard to the status of women in some areas such as education and training, health and integration of a gender dimension into government planning;

2. Notes:

(*a*) The legal changes recently put into effect within the Iranian judicial system by which members of religious minorities are no longer obliged to state their confession when applying for a marriage licence;

(*b*) The work of the Islamic Human Rights Commission on the human rights situation in the Islamic Republic of Iran, and expresses the hope that the recent adoption of amendments to the Charter of the Commission concerning increased representation of persons from the non-governmental sector on its governing council will contribute to its strengthening and independence;

3. Expresses its concern:

(*a*) At the fact that since 1996 no invitation has yet been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country;

(*b*) At the continuing violations of human rights in the Islamic Republic of Iran, in particular executions in the apparent absence of respect for internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, the failure to comply fully with international standards in the administration of justice and at the absence of due process of law, and also at the apparent absence of respect for internationally recognized legal safeguards and the use of national security laws to deny the rights of the individual;

(*c*) At the discrimination against religious minorities, in particular the unabated pattern of persecution against the Baha'is, including death sentences and arrests;

(*d*) At the continued lack of full and equal enjoyment by women of their human rights as reported by the Special Representative;

4. Calls upon the Government of the Islamic Republic of Iran:

(*a*) To invite the Special Representative to visit the country and to resume its full cooperation with him, particularly so that he can study the evolution of the human rights situation in the country, including through direct contacts with all sectors of society, and to make full use of technical cooperation programmes in the field of human rights;

(*b*) To continue its positive efforts to consolidate respect for human rights and the rule of law, and to abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights;

(*c*) To make further efforts to ensure for all the application of due process of law by the judiciary and, in this context, to ensure fair and transparent trials in all instances, including for members of religious minority groups, and notes stated commitments of the Government of the Islamic Republic of Iran in this regard;

(*d*) To ensure that capital punishment will not be imposed other than for the most serious crimes, not for apostasy or otherwise in disregard of the provisions of the International Covenant on Civil and Political Rights and United Nations safeguards, and to provide the Special Representative with relevant statistics on this matter;

(*e*) To pursue investigations into the suspicious deaths and killings of intellectuals and political activists and to bring the alleged perpetrators to justice;

(*f*) To implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and other minority religious groups until they are completely emancipated;

(*g*) To take all necessary steps to end the use of torture and the practice of amputation, stoning and other forms of cruel, inhuman and degrading punishment;

(*h*) To take additional measures to promote full and equal enjoyment by women of their human rights, in line with its statements about the need to review laws and change attitudes which discriminate against women;

5. Decides:

(*a*) To extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session, and also to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

(*c*) To continue its examination of the situation of human rights in the Islamic Republic of Iran, paying particular attention to further developments, including the situation of the Baha'is and other minority groups, at its fifty-seventh session under the same agenda item;

6. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 18.]

56th meeting
18 April 2000
[Adopted by a roll-call vote of 22 votes to 20,
with 11 abstentions. See chap. IX.]

2000/29. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the relevant Security Council resolutions condemning all cases of hostage-taking,

Recalling its previous resolutions on the subject, in particular its resolution 1992/23 of 28 February 1992, in which it condemned the taking of any person as a hostage,

Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, *inter alia* those committed by terrorists and armed groups, continue to take place and even have increased in many regions of the world,

Appealing for the humanitarian action of humanitarian organizations, in particular of the International Committee of the Red Cross and its delegates, to be respected, in accordance with the Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977 thereto, Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. Reaffirms that hostage-taking, wherever and by whomever committed, is an illegal act aimed at the destruction of human rights and is, under any circumstances, unjustifiable;

2. Condemns all acts of hostage-taking, anywhere in the world;

3. Demands that all hostages be released immediately and without any preconditions;

4. Calls upon States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. Urges all thematic special rapporteurs and working groups to continue to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission;

6. Decides to remain seized of this matter.

60th meeting
20 April 2000
[Adopted without a vote. See chap. XI.]

2000/30. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning

Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, as well as the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly at its fiftieth and forty-ninth sessions, respectively,

Recalling also the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights(A/CONF.157/23),

Recalling further General Assembly resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995 and 52/133 of 12 December 1997, as well as its own resolution 1999/27 of 26 April 1999,

Taking note of General Assembly resolutions 54/164 of 17 December 1999 and 54/110 of 9 December 1999 in which it decided that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument, should address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including considering the elaboration of a comprehensive convention on international terrorism, and should address the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Also taking note of General Assembly resolution 54/109 of 9 December 1999, in which the Assembly adopted the International Convention for the Suppression of the Financing of Terrorism,

Further taking noteof resolution 1999/26 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, Regretting that the negative impact of terrorism, in all its dimensions, on human rights continues to remain alarming, despite national and international efforts to combat it,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the freedom from fear of the people,

Bearing in mind further that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Profoundly deploring the large number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Alarmed in particular at the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism which may cause massive damage, including huge loss of human life,

Noting with great concern that many terrorist groups are connected with other criminal organizations engaged in the illegal traffic in arms and illicit drug trafficking at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, taking of hostages, robbery, money laundering and rape,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law and to strengthen the role of the United Nations in this respect,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that everyone should strive to secure their universal and effective recognition and observance,

Recognizing the need to improve international cooperation on criminal matters and national measures so as to address impunity, which can contribute to the continued occurrence of terrorism,

Emphasizing the importance of Member States taking appropriate steps to deny safe haven to those who plan, finance or commit terrorist acts by ensuring their apprehension and prosecution or extradition,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

1. Reiterates unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of the State;

2. Condemns the violations of the right to live free from fear and of the right to life, liberty and security;

3. Expresses its solidarity with the victims of terrorism;

4. Condemns incitement of ethnic hatred, violence and terrorism;

5. Urges States to fulfil their obligations under the Charter of the United Nations and other provisions of international law, in strict conformity with international law, including human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed;

6. Also urges the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of eradicating it;

7. Calls upon States, in particular within their respective national frameworks and in conformity with their international commitments in the field of human rights, to enhance their cooperation with a view to bringing terrorists to justice;

8. Also calls upon States to take appropriate measures, in conformity with the relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not participated in terrorist acts, including assassinations;

9. Urges all relevant human rights mechanisms and procedures, as appropriate, to address the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

10. Requests the Secretary-General to continue to collect information, including a compilation of studies and publications, on the implications of terrorism, as well as the effects of the fight against terrorism, on the full enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental organizations, non-governmental organizations and academic institutions and to make it available to the concerned special rapporteurs, including the Special Rapporteur on human rights and terrorism of the Sub-Commission on the

Promotion and Protection of Human Rights, and all concerned working groups of the Commission for their consideration;

11. Endorses the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary, in order to hold consultations with the competent services and bodies of the United Nations system to complement her essential research and to collect all the needed and up-to-date information and data for the preparation of her progress report;

12. Requests the Special Rapporteur to give attention in her next report on human rights and terrorism to the questions raised in the present resolution;

13. Decides to remain seized of the matter at its fifty-seventh session.

60th meeting
20 April 2000
[Adopted by 27 votes to 13, with 12 abstentions. See chap. XI.]

2000/31. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of extrajudicial, summary or arbitrary executions, of which the latest is resolution 53/147 of 9

December 1998 in which the Assembly requested the Special Rapporteur to submit to it at its fifty-fifth session an interim report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions, in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Acknowledging the historic significance of the adoption of the Rome Statute of the International Criminal Court (A/CONF.183/9),

Welcoming the fact that a large number of States have already signed the Rome Statute,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. Notes that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

4. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

5. Takes note of the report of the Special Rapporteur (E/CN.4/2000/3 and Add.1-3), including the attention given therein to, and the recommendations on, various aspects and situations of violations of the right to life by extrajudicial, summary or arbitrary executions;

6. Notes with concern the large number of cases in various parts of the world of killings committed in the name of passion or in the name of honour, persons killed because of their sexual orientation and persons killed for reasons related to their peaceful activities as human rights defenders or as journalists, reported by the Special Rapporteur and calls upon Governments concerned to investigate such killings promptly and thoroughly, to bring those responsible to justice and to ensure that such killings are neither condoned nor sanctioned by government officials or personnel;

7. Calls upon the Governments of all States in which the death penalty has not been abolished to comply with their obligations as reflected in relevant provisions of international human rights instruments, including in particular articles 6 and 14 of the International Covenant on Civil and Political Rights and keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

8. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public demonstrations, internal and communal violence, disturbances, tension and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions;

9. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 in relation to the treatment of prisoners in armed conflicts, as well as to other pertinent international instruments;

10. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to the Special Rapporteur on the actions taken on those recommendations and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

11. Commends the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages the Special Rapporteur to continue, within the framework of her mandate, to collect information from all concerned and to seek the views and comments of Governments in order to be able to respond effectively to reliable information that comes before the Special Rapporteur and to follow up on communications and country visits;

12. Requests the Special Rapporteur, in carrying out her mandate:

(*a*) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(*b*) To respond effectively to information which comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(*c*) To enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(*d*) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(*e*) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

(*f*) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(*g*) To apply a gender perspective in her work;

13. Urges the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to her or where early action might prevent further deterioration;

14. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights and encourages the Special Rapporteur to continue efforts in this regard;

15. Strongly urges all Governments:

(*a*) To cooperate with and assist the Special Rapporteur so that her mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests, in keeping with the usual terms of reference for missions by Special Rapporteurs of the Commission on Human Rights;

(*b*) To respond to the communications transmitted to them by the Special Rapporteur;

16. Expresses its concern that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

17. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

18. Requests the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

19. Also requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

20. Further requests the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

21. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-seventh session under the same agenda item.

60th meeting
20 April 2000
[Adopted without a vote. See chap. XI.]

2000/32. Human rights and forensic science

The Commission on Human Rights,

Recalling its resolutions 1993/33 of 5 March 1993, 1994/31 of 4 March 1994, 1996/31 of 19 April 1996 and 1998/36 of 17 April 1998,

Recalling also the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989, Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on human rights and forensic science (E/CN.4/2000/57), submitted pursuant to Commission resolution 1998/36,

Recognizing that forensic science is an important tool in detecting evidence of torture and other cruel, inhuman or degrading treatment or punishment and extrajudicial, summary or arbitrary executions,

Noting that the practice of forensic science includes examinations of both dead and living persons, and also includes identification procedures,

Noting also that, in many of the countries concerned, sufficient expertise is not available in forensic science and related fields to investigate human rights violations effectively,

Noting further the need of Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances,

Aware that several special rapporteurs have used or referred to the need for the assistance of experts in various forensic disciplines in the context of the implementation of their mandates,

1. Welcomes the increased use of forensic science investigations in situations where grave violations of human rights and international humanitarian law have occurred, and encourages further coordination concerning, *inter alia*, the planning and realization of such investigations among Governments, intergovernmental organizations and non-governmental organizations;

2. Notes the progress made by the Office of the United Nations High Commissioner in the use of forensic experts, including the revised Cooperation Service Agreement (E/CN.4/1998/32, annex II) regulating the use of forensic experts provided either by a Member State or by a non-governmental organization;

3. Recommends that the Secretary-General, with a view to promoting quality and consistency, establish procedures to evaluate the use of forensic expertise and the results of those efforts;

4. Again invites the Office of the High Commissioner and the Crime Prevention and Criminal Justice Division of the Secretariat to consider revising the *Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions*, in which standard procedures for adequate post-mortem examinations (autopsies or partial autopsies) are described;

5. Recommends that the Office of the High Commissioner encourage forensic experts to coordinate further and produce additional manuals concerned with examinations of living persons, and welcomes the initiative by the Office of the High Commissioner to publish a manual on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment in its Professional Training Series;

6. Requests the Office of the High Commissioner to consult with Governments, relevant United Nations bodies and professional organizations of forensic and related experts as mentioned in the reports of the Secretary-General and the Office of the High Commissioner, including the latest (E/CN.4/2000/57) was submitted pursuant to Commission resolution 1998/36, with a view to updating the list of experts with biographical data, including professional qualifications, current employment, contact address, gender (the nomination of female experts is encouraged), indications of availability, and the kind of assistance they could provide;

7. Recommends that the Office of the High Commissioner encourage, as appropriate, the dissemination and use of the manuals referred to in the present resolution and the setting up of courses aimed at providing training in forensic activities relating to victims of human rights violations, particularly in countries without sufficient expertise in forensic science and related fields, for example through the training of local teams;

8. Requests the Office of the High Commissioner to report to the Commission at its fifty-eighth session on progress made in this matter;

9. Requests the Secretary-General to provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Office of the High Commissioner in implementing the present resolution;

10. Decides to consider this question at its fifty-eighth session under the same agenda item.

60th meeting
20 April 2000
[Adopted without a vote. See chap. XI.]

2000/33. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling further article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant provisions,

Reaffirming the call of the World Conference on Human Rights upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned at the increase in violence and discrimination against religious minorities, including restrictive legislation and arbitrary application of legislation and other measures,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound, and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

1. Welcomes the report of the Special Rapporteur on religious intolerance (E/CN.4/2000/65);

2. Condemns all forms of intolerance and of discrimination based on religion or belief;

3. Encourages the efforts made by the United Nations High Commissioner for Human Rights to coordinate in the field of human rights the activities of relevant United Nations organs, bodies, and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;

4. Urges States:

(*a*) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, *inter alia* by the provision of effective remedies in cases where the right to freedom of religion or belief, including the freedom to change one's religion or belief, is violated;

(*b*) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account;

(*c*) In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and also to devote particular attention to practices which violate the human rights of women and discriminate against women;

(*d*) To recognize the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(*e*) To exert utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected;

(*f*) To ensure that all public officials, including members of law enforcement bodies, in the course of their official duties respect different religions and beliefs and do not discriminate on the grounds of religion or belief;

(*g*) To promote and encourage, through education and other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health

or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

6. Encourages the continuing efforts of the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate;

7. Stresses the need for the Special Rapporteur to apply a gender perspective, *inter alia* through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

8. Notes that the Special Rapporteur has undertaken a study on religious discrimination and racism and looks forward to its presentation at the first session, to be held in May 2000, of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and encourages the Special Rapporteur to contribute further to the preparations for the World Conference, to be held in 2001, by forwarding to the High Commissioner his recommendations on religious intolerance which have a bearing on the World Conference;

9. Calls upon all Governments to cooperate fully with the Special Rapporteur on religious intolerance, to respond favourably to requests from the Special Rapporteur to visit their countries and to give serious consideration to inviting the Special Rapporteur to visit so as to enable him to fulfil his mandate even more effectively;

10. Welcomes the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion, objectivity and independence;

11. Decides to change the title of the Special Rapporteur from Special Rapporteur on religious intolerance to Special Rapporteur on freedom of religion or belief and that this change will be implemented at the next extension of the Special Rapporteur's mandate;

12. Recognizes that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration ;

13. Welcomes the initiatives of Governments to collaborate with the Special Rapporteur, including the convening of an international consultative conference on school education in relation to freedom of religion and belief, to be held in Madrid in November 2001;

14. Welcomes and encourages the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration, to foster freedom of religion and in highlighting cases of religious intolerance, discrimination and persecution;

15. Recommends that the United Nations and other actors, in their efforts to promote freedom of religion and belief, ensure the widest possible dissemination of the text of the Declaration, in as many different languages as possible, by United Nations information centres, as well as by other interested bodies;

16. Requests the Secretary-General to ensure that the Special Rapporteur receives the-necessary assistance to enable him fully to discharge his mandate;

17. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session;

18. Decides to consider the question of the elimination of all forms of religious intolerance at its fifty-seventh session under the same agenda item.

60th meeting

20 April 2000
[Adopted without a vote. See chap. XI.]

2000/34. Conscientious objection to military service

The Commission on Human Rights,

Bearing in mind that it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, as well as the right to freedom of thought, conscience and religion and the right not to be discriminated against,

Recalling its previous resolutions on the subject, most recently resolution 1998/77 of 22 April 1998, in which the Commission recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights and General Comment No. 22 of the Human Rights Committee, adopted at its forty-eighth session in 1993,

Having considered the report of the Secretary-General (E/CN.4/2000/55),

1. Calls upon States to review their current laws and practices in relation to conscientious objection to military service in the light of its resolution 1998/77;

2. Requests the Office of the United Nations High Commissioner for Human Rights to prepare a compilation and analysis of best practices in relation to the recognition of the right of everyone to have conscientious objections to military service, as a legitimate exercise of the right to freedom of thought, conscience and religion, and the provision of alternative forms of service, based on the provisions of Commission resolution 1998/77, and to seek such information from Governments, the specialized agencies and relevant intergovernmental and non-governmental

organizations, and to submit a report containing this information to the Commission at its fifty-eighth session under the agenda sub-item entitled "Conscientious objection to military service".

60th meeting
20 April 2000
[Adopted without a vote. See chap. XI.]

2000/35. Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its resolution 1992/43 of 3 March 1992, in which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica at the forty-seventh session of the Commission (E/CN.4/1991/66), and decided to consider the question at its forty-ninth session,

Recalling also the subsequent resolutions on the subject and in particular decision 1999/237 of 27 July 1999 of the Economic and Social Council, in which the Council authorized the working group to meet in order to continue its work,

Recalling further that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. Takes note of the report of the Open-ended working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2000/58);

2. Requests the working group, in order to continue its work, to meet prior to the fifty-seventh session of the Commission for a period of two weeks, with a view to completing expeditiously a final and substantive text, and to report to the Commission at its fifty-seventh session;

3. Requests the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and intergovernmental and non-governmental organizations , and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate if needed in the activities of the working group;

5. Further requests the Secretary-General to extend all necessary facilities to the working group for its meeting prior to the fifty-seventh session of the Commission;

6. Encourages the Chairman-Rapporteur of the working group to conduct informal inter-sessional consultations with all interested parties in order to facilitate the completion of a consolidated text;

7. Decides to examine the report of the working group at its fifty-seventh session under the same sub-item;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft resolution 21.]

60th meeting
20 April 2000

[Adopted without a vote. See chap. XI.]

2000/36. Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions, of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Bearing in mind that, in accordance with Commission resolution 1991/42 of 5 March 1991, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Reaffirming its resolution 1999/37 of 26 April 1999,

1. Takes note of:

(*a*) The report of the Working Group on Arbitrary Detention (E/CN.4/2000/4 and Add.1 and 2);

(*b*) The work of the Working Group and underlines the positive initiatives it has taken to strengthen cooperation and dialogue with States and the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(*c*) The importance that the Working Group attaches to coordination with other mechanisms of the Commission, with other competent United Nations bodies and with treaty bodies, as well as to the strengthening of the role of the Office of the United Nations High Commissioner for Human Rights in such coordination and encourages the Working Group to take all necessary measures to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

2. Also takes note of the adoption by the Working Group of its Deliberation No. 5 (E/CN.4/2000/4, annex II) and relates to the situation of immigrants and asylum-seekers and guarantees concerning persons held in custody, with a view to ensuring better prevention;

3. Requests the Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

4. Encourages the Governments concerned:

(*a*) To implement the recommendations of the Working Group concerning persons mentioned in its report who have been detained for a number of years;

(*b*) To take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned;

(*c*) Not to extend states of emergency beyond what is strictly required by the situation, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, or to limit their effects;

5. Encourages all Governments to invite the Working Group to visit their countries so that it may carry out its mandate even more effectively;

6. Requests the Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions;

7. Expresses its profound thanks to the Governments which have extended their cooperation to the Working Group and responded to its requests for information and invites all Governments concerned to demonstrate the same spirit of cooperation;

8. Takes note with satisfaction of the fact that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases which have not yet been resolved;

9. Notes with concern the comments by the Working Group on the excesses of military justice that may be found to exist in some cases;

10. Also notes with concern the comments by the Working Group on the situation of human rights defenders;

11. Requests the Secretary-General:

(*a*) To extend his assistance to Governments expressing the wish to receive it, as well as to special rapporteurs and working groups, with a view to ensuring the promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(*b*) To ensure that the Working Group on Arbitrary Detention receives all necessary assistance, particularly with regard to the staffing and resources needed to continue to discharge its mandate, especially in respect of field missions;

12. Decides to renew, for a three-year period, the mandate of the Working Group, composed of five independent experts entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily, provided that no final decision has

been taken in such cases by domestic courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned;

13. Requests the Working Group to submit to it, at its fifty-seventh session, a report on its activities and on the implementation of the present resolution and to include any suggestions and recommendations which would enable it to carry out its task in the best possible way and to continue its consultations to that end in the framework of its terms of reference;

14. Decides to continue its consideration of this question at its fifty-seventh session under the relevant agenda item;

15. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 22.]

60th meeting
20 April 2000
[Adopted without a vote. See chap. XI.]

2000/37. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs, and its resolution 1999/38 of 26 April 1999,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from

Enforced Disappearance as a body of principles for all States, and Assembly resolutions 51/94 of 12 December 1996 and 53/150 of 9 December 1998,

Deeply concerned in particular, by the increase in enforced or involuntary disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Emphasizing that impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof and that there is a need for effective measures to combat the problem of impunity,

Welcoming the fact that acts of enforced disappearance, as defined in the Rome Statute of the International Criminal Court (A/CONF.183/9), come within the jurisdiction of the Court as crimes against humanity,

1. Takes note of the report submitted by the Working Group on Enforced or Involuntary Disappearances pursuant to Commission resolution 1999/38 (E/CN.4/2000/64 and Corr.1 and 2 and Add.1);

2. Stresses the importance of the work of the Working Group and encourages it, in the execution of its mandate:

(*a*) To continue to promote communication between families of disappeared persons and the Governments concerned with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(*b*) To continue to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of government replies;

(*c*) To continue to consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearance and of the final reports submitted by the Special Rapporteur appointed by the Sub-Commission on the Promotion and Protection of Human Rights;

(*d*) To continue to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned in searching for and identifying these children;

(*e*) To pay particular attention to cases transmitted to it that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(*f*) To pay particular attention to cases of disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(*g*) To continue to apply a gender perspective in its reporting process, including in information collection and the formulation of recommendations;

(*h*) To provide appropriate assistance in the implementation by States of the Declaration and of the existing international rules;

(*i*) To continue its deliberations on its working methods and to include these aspects in its report to the Commission at its fifty-seventh session;

(*j*) To formulate comments on the draft International Convention on the Protection of All Persons from Enforced Disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998;

3. Deplores the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearances in their countries

or acted on the recommendations concerning them made in the reports of the Working Group;

4. Urges the Governments concerned:

(*a*) To cooperate with the Working Group and help it to carry out its mandate effectively, in particular by inviting it freely to visit their countries;

(*b*) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(*c*) To take steps to protect witnesses of enforced or involuntary disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

(*d*) That have long had many unresolved cases of disappearances, to continue their efforts to shed light on the fate of the individuals concerned and to set appropriate settlement machinery in train with the families of those individuals;

(*e*) To make provision in their legal systems for machinery for victims of enforced or involuntary disappearances or their families to seek fair and adequate reparation;

5. Reminds Governments:

(*a*) That all acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties which should take due account of their extreme seriousness under penal law;

(*b*) Of the need to ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(*c*) That, if such belief is borne out, all the perpetrators of enforced or involuntary disappearances must be prosecuted;

(*d*) That impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof;

6. Expresses:

(*a*) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations and invites them to inform the Working Group of any action they take on those recommendations;

(*b*) Its commendation of the efforts by Governments which investigate, or develop appropriate mechanisms to investigate, any cases of enforced disappearance which are brought to their attention and encourages all the Governments concerned to expand their efforts in this area;

7. Invites States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced, involuntary or arbitrary disappearances and in giving effect to the principles set forth in the Declaration on the Protection of All Persons from Enforced Disappearance;

8. Takes note of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration and invites those organizations to continue their cooperation;

9. Requests the Secretary-General to ensure the wide dissemination of the draft International Convention on the Protection of All Persons from Enforced

Disappearance, asking States, international organizations and non-governmental organizations to submit their views and comments, as a matter of high priority, on the draft Convention, on the follow-up thereto, and, in particular, on whether an inter-sessional working group should be set up to consider the draft Convention;

10. Requests the Working Group on Enforced or Involuntary Disappearances to report on its activities to the Commission at its fifty-seventh session;

11. Requests the Secretary-General:

(*a*) To ensure that the Working Group receives all the assistance and resources it requires to perform its function, including, *inter alia*, support for the principles of the Declaration , to carry out and follow up missions and to hold sessions in countries that would be prepared to receive it;

(*b*) To provide the resources needed to update the database on cases of enforced disappearance;

(*c*) To keep the Working Group and the Commission regularly informed of the steps he takes for the wide dissemination and promotion of the Declaration;

12. Decides to consider this matter at its fifty-seventh session under the same agenda item.

60th meeting
20 April 2000
[Adopted without a vote. See chap. XI.]

2000/38. The right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression, Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice,

Noting that the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of choice, as set out in article 19 of the Covenant, gives meaning to the right to participate effectively in a free society,

Recalling the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995 (E/CN.4/1996/39, annex),

Noting the Principles on Freedom of Information Legislation (The Public's Right to Know) (E/CN.4/2000/63, annex II),

Mindful of the need to ensure that unjustified invocation of national security to restrict the right to freedom of expression and information does not take place,

Noting that restrictions on the exercise of the right to freedom of opinion and expression could indicate a deterioration in the protection, respect for and enjoyment of other human rights and freedoms,

Considering that the effective promotion and protection of the human rights of persons who exercise the right to freedom of opinion and expression are of fundamental importance to the safeguarding of human dignity,

Deeply concerned at numerous reports of detention, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information, Reaffirming the need to raise awareness about all aspects of the interrelationship between the use and availability of new media of communication, including modern telecommunications technology, and the right to freedom of expression and information, and noting the efforts made in this regard in a number of international and regional forums, and mindful of provisions of relevant instruments,

Deeply concerned that for women there exists a gap between the right to freedom of opinion and expression, the right to information and the effective enjoyment of those rights, and that this gap contributes to inadequate action by Governments in the integration of the human rights of women into the mainstream of their human rights activities,

1. Reaffirms its commitment to the principles contained in the International Covenant on Civil and Political Rights;

2. Welcomes the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2000/63 and Adds.1-4);

3. Expresses its continuing concern at the extensive occurrence of detention, long-term detention and extrajudicial killing, persecution and harassment, including through the abuse of legal provisions on criminal libel, of threats and acts of violence and of discrimination directed at persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, as well as at persons who seek to promote the rights affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and seek to educate others about them or who defend those rights and freedoms, including legal professionals and others who represent persons exercising those rights;

4. Also expresses its concern at the number of cases in which the violations referred to in paragraph 3 of the present resolution are facilitated and

aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without formal declaration and too vague a definition of offences against State security;

5. Further expresses its concern that high rates of illiteracy continue to exist in the world, and reaffirms that education is an integral component of the full and effective participation of persons in a free society, in particular for the full enjoyment of the right to freedom of opinion and expression, and that the eradication of illiteracy is very important to the achievement of these goals and to the development of the human person;

6. Encourages States - mindful that the International Covenant on Civil and Political Rights states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions as set out in article 19 of the Covenant - to review their procedures and legislation to ensure that any limitations on the right to freedom of expression are only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or of public order (*ordre public*) or of public health or morals;

7. Calls for further progress towards release of persons detained for exercising the rights and freedoms referred to in paragraph 3 of the present resolution, bearing in mind that each individual is entitled to the full enjoyment of all human rights and fundamental freedoms;

8. Urges Governments to implement effective measures to eliminate the atmosphere of fear which often prevents women who have been victims of violence, either in domestic or community settings or as a result of armed conflict, from communicating freely on their own behalf or through intermediaries;

9. Invites once again the working groups, representatives and special rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom

of opinion and expression as affirmed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments;

10. Appeals to all States:

(*a*) To ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information regardless of frontiers, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms, and, where any persons have been detained, subjected to violence or threats of violence or to harassment, including persecution and intimidation, even after their release from detention, for exercising these rights as laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

(*b*) To ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, and in this context to pay particular attention to the situation of women;

(*c*) To cooperate fully with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate, including giving consideration to requests from the Special Rapporteur for in-country visits;

(*d*) To create and permit an enabling environment in which training and professional development of the media can be organized in order to promote and protect the freedom of opinion and expression and can be carried out without fear of legal, criminal or administrative sanction by the State;

11. Draws the attention of Governments to the Principles on Freedom of Information Legislation (The Public's Right to Know) appended to the Special Rapporteur's report (E/CN.4/2000/63, annex II), and invites Governments to reflect upon them and to submit their comments to the Special Rapporteur;

12. Urges the Secretary-General to ensure that the practices of the United Nations system concerning access to information are consistent with Commission resolutions 1999/60 on public information and 1999/64 on human rights education, of 28 April 1999;

13. Invites the Special Rapporteur, within the framework of his mandate:

(*a*) To draw the attention of the United Nations High Commissioner for Human Rights to those situations and cases regarding freedom of opinion and expression which are of particularly serious concern to the Special Rapporteur, and encourages the High Commissioner, within her mandate, to take into account reports in this regard in the context of her activities to promote and protect human rights, with a view to preventing the occurrence and recurrence of human rights violations;

(*b*) In cooperation with the Special Rapporteur on violence against women, its causes and consequences, to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, to consider how these obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live and to consider joint reports with the Special Rapporteur on violence against women;

(*c*) With a view to promoting greater efficiency and effectiveness, as well as enhancing his access to the information necessary for him to fulfil his duties, to continue his efforts to cooperate with other special rapporteurs, special representatives, independent experts, working groups, other United Nations mechanisms and procedures in the field of human rights, specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, and regional intergovernmental organizations and their mechanisms and further to develop and extend his network of relevant non-governmental organizations, particularly at the local level, with a view to ensuring that he has the full benefit of all pertinent information from such non-governmental organizations;

(*d*) To consider approaches taken to access to information with a view to sharing best practices;

(*e*) To continue to provide his views, when appropriate, on the advantages and challenges of new information technologies, including the Internet, for the exercise of the right to freedom of opinion and expression, including the right to seek, receive and impart information and the relevance of a wide diversity of sources;

(*f*) To continue to seek the views and comments of the Governments and others concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

(*g*) To contribute effectively to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance by transmitting to the High Commissioner his recommendations on freedom of opinion and expression which have a bearing on the World Conference;

14. Expresses once again its concern at the inadequate resources, both human and material, provided to the Special Rapporteur, and accordingly reiterates its request to the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by placing adequate human and material resources at his disposal;

15. Requests the Special Rapporteur to submit to the Commission at its fifty-seventh session a report covering activities relating to his mandate and decides to continue its consideration of this question at that session.

60th meeting
20 April 2000
[Adopted without a vote. See chap. XI.]

2000/39. Human rights in the administration of justice, in particular juvenile justice

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols, and in particular article 6 of the latter Covenant,

Bearing in mind the relevant principles embodied in the Convention on the Rights of the Child, and in particular its articles 3, 37, 39 and 40, as well as the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Calling attention to the numerous international standards in the field of the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice,

Aware of the need for special vigilance with regard to the specific situation of children and juveniles as well as women in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

Reaffirming that the best interest of the child must be a primary consideration in all decisions concerning deprivation of liberty, and in particular that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and the need to ensure that, if they are arrested, detained or imprisoned, children shall be separated from adults, to the greatest extent feasible, unless it is considered in the child's best interest not to do so,

Deeply concerned at the severity and brutality with which children and juveniles are used as instruments in criminal activities,

Underlining the need to increase further the cooperation in the field of the administration of justice between the Commission on Human Rights, the Commission on Crime Prevention and Criminal Justice and other relevant bodies,

Welcoming the important activities of the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the United Nations Development Programme in the field of juvenile justice,

Recalling the Guidelines for Action on Children in the Criminal Justice System, annexed to Economic and Social Council resolution 1997/30 of 21 July 1997 on administration of juvenile justice, and the establishment of a coordination panel on technical advice and assistance in juvenile justice in order to facilitate the coordination of activities in this field undertaken by relevant entities of the United Nations system as well as non-governmental organizations, professional groups and academic societies involved in the provision of technical advice and assistance,

Welcoming the second meeting of the coordination panel on technical advice and assistance in juvenile justice on 20 and 21 March 2000, hosted by the United Nations Children's Fund,

Recalling its resolutions 1998/39 of 17 April 1998 and 1999/80 of 28 April 1999, Economic and Social Council resolution 1999/28 of 28 July 1999 on administration of juvenile justice and General Assembly resolution 54/163 of 17 December 1999 on human rights in the administration of justice, as well as the recommendation of the Committee on the Rights of the Child on administration of juvenile justice adopted at its twenty-second session,

1. Takes note of the report of the Secretary-General (E/CN.4/2000/54);

2. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. Reiterates its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

4. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;

5. Invites Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers, and other professionals concerned, including personnel employed in international field presences;

6. Stresses the special need for national capacity-building in the field of the administration of justice, in particular to establish and maintain stable societies and the rule of law in post-conflict situations, through reform of the judiciary, the police and the penal system, as well as juvenile justice reform;

7. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance in the field of the administration of justice;

8. Invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

9. Calls upon the United Nations High Commissioner for Human Rights to reinforce, within her mandate, her activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations;

10. Calls upon the Secretary-General and the High to strengthen system-wide coordination in the field of the administration of justice, in particular between the United Nations programmes in the fields of human rights, crime prevention and criminal justice, and development;

11. Recognizes that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her dignity and needs, in accordance with the relevant principles and provisions embodied in the Convention on the Rights of the Child and other relevant standards on human rights in the administration of justice;

12. Takes note of the concern of the Committee on the Rights of the Child that in all regions of the world and in relation to all legal systems the provisions of the Convention on the Rights of the Child relating to the administration of juvenile justice are in many instances not reflected in national legislation or practice;

13. Recognizes the necessity of ensuring the effective implementation of relevant international standards relating to juvenile justice, in particular the Convention on the Rights of the Child, and invites States to improve the status of information on the situation of juvenile justice to this end;

14. Underlines that raising awareness of the specific situation of children and juveniles in the administration of justice and providing training thereon are crucial in strengthening the implementation of international standards in this field and, in this regard, welcomes the finalization and dissemination of a training manual on juvenile justice focusing on child criminal justice;

15. Welcomes the fact that the administration of juvenile justice is receiving consistent and systematic attention from the Committee on the Rights of the Child and that the Committee provides concrete recommendations concerning the improvement of national juvenile justice systems, in particular through action by the Secretariat and other relevant United Nations entities, including the provision of advisory services and technical assistance;

16. Takes note with satisfaction of the activities of the coordination panel on technical advice and assistance in juvenile justice and calls on the partners involved to continue to cooperate, share information and pool their capacities and interests in order to increase coordination and the effectiveness of programme design and implementation at Headquarters and in the field;

17. Welcomes the elaboration by the coordination panel of an information kit on technical cooperation in the area of juvenile justice to assist in the identification and coordination of assistance programmes in this field;

18. Also welcomes the increased attention paid to the issue of juvenile justice by the High Commissioner and encourages further activities, within her mandate, in this regard;

19. Calls upon special rapporteurs, special representatives and working groups of the Commission to continue to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory service and technical assistance measures;

20. Requests the Secretary-General to submit a report to the Commission at its fifty-eighth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular regarding rebuilding and strengthening structures and capacities for the

administration of justice in post-conflict situations, and in juvenile justice, as well as the role of technical assistance of the United Nations system in this regard;

21. Also requests the Secretary-General to make available to the Commission at its fifty-eighth session his reports on the administration of juvenile justice, as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice, submitted to the Commission on Crime Prevention and Criminal Justice;

22. Decides to consider this question at its fifty-eighth session under the sub-item entitled "Independence of the judiciary, administration of justice, impunity" of the appropriate agenda item.

60th meeting
20 April 2000
[Adopted without a vote. See chap. XI.]

2000/40. The incompatibility between democracy and racism

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the commitment reached in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) concerning the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Recalling the responsibility of Governments to ensure such equality as is established in the relevant international and regional human rights instruments, *inter alia*, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, Reaffirming that acts of racial violence and discrimination do not constitute legitimate expressions of opinion, but rather are offences,

Alarmed by the rise of racism and xenophobia in political circles, in the sphere of public opinion, and in society at large,

Recognizing the fundamental role of education in the promotion of tolerance and respect for others and in the construction of pluralistic societies,

Convinced that political platforms based on racism, xenophobia or doctrines of racial superiority and related discrimination must be condemned as incompatible with democracy and transparent and accountable governance, and that racial discrimination condoned by governmental policies violates human rights and may endanger friendly relations among peoples, cooperation among nations, and international peace and security,

1. Urges States to reinforce their commitment to promote tolerance and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy and transparent and accountable governance;

2. Invites the mechanisms of the Commission and the treaty bodies, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to continue to pay particular attention to violations of human rights stemming from the rise of racism and xenophobia in political circles and society at large, especially as regards their incompatibility with democracy;

3. Invites the United Nations High Commissioner for Human Rights to report to the Commission at its fifty-seventh session on the implementation of the present resolution;

4. Decides to continue consideration of the matter at its fifty-seventh session under the same agenda item.

60th meeting
20 April 2000
[Adopted without a vote. See chap. XI.]

2000/41. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Reiterating the importance of addressing the question of restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms in a systematic and thorough way at the national and international levels,

Recalling its resolution 1996/35 of 19 April 1996, in which it regarded the basic principles and guidelines on the right to redress of victims of grave violations of human rights and international humanitarian law, proposed by the former Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Mr. Theo van Boven, as a useful basis for giving priority attention to the question of restitution, compensation and rehabilitation,

Recalling also its resolution 1999/33 of 26 April 1999,

Taking note of the report of the independent expert, Mr. Cherif Bassiouni, appointed by the Commission (E/CN.4/2000/62), Expressing its satisfaction at the submission of comments by governments, intergovernmental organizations and non-governmental organizations on the draft revised principles and guidelines circulated by the independent expert,

Noting with satisfaction the positive experience of countries that have established policies and adopted legislation on restitution, compensation and rehabilitation for victims of grave violations of human rights,

1. Calls upon the international community to give due attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights;

2. Requests the Secretary-General to circulate to all Member States the text of the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law", annexed to the final report of the independent expert and to request that they send their comments thereon to the Office of the United Nations High Commissioner for Human Rights;

3. Requests the United Nations High Commissioner for Human Rights to hold a consultative meeting in Geneva for all interested Governments, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, using available resources, with a view to finalizing the principles and guidelines on the basis of the comments submitted;

4. Also requests the High Commissioner to transmit to the Commission at its fifty-seventh session the final outcome of the consultative meeting for its consideration;

5. Decides to continue its consideration of this matter at its fifty-seventh session under the sub-item entitled "Independence of the judiciary, administration of justice, impunity" of the appropriate agenda item.

60th meeting

20 April 2000
[Adopted without a vote. See chap. XI.]

2000/42. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95, thereof,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and its resolution 1997/23 of 11 April 1997, in which it decided to extend the mandate of the Special Rapporteur for a further period of three years,

Recalling also its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title "Special Rapporteur on the independence of judges and lawyers",

Recalling further General Assembly resolution 40/32 of 29 November 1985, and Assembly resolution 40/146 of 13 December 1985, in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling also the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling further the Statement of Principles on the Independence of the Judiciary, adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice,

Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Office of the United Nations High Commissioner for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

1. Takes note of the report of the Special Rapporteur on the independence of judges and lawyers on the activities relating to his mandate (E/CN.4/2000/61 and Corr. and Add.1 and 2);

2. Also takes note of the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

3. Welcomes the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

4. Notes with appreciation the determination of the Special Rapporteur to achieve as wide a dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Office of the High Commissioner for Human Rights;

5. Invites the United Nations High Commissioner for Human Rights to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in the elaboration of a manual on the training of judges and lawyers in the field of human rights;

6. Urges all Governments to assist the Special Rapporteur in the discharge of his mandate and to transmit to him all the information requested;

7. Encourages Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if the Government concerned deems it necessary;

8. Decides to extend the mandate of the Special Rapporteur for a further period of three years, requests him to submit a report on the activities relating to his mandate to the Commission at its fifty-seventh session and decides to consider this question at that session;

9. Requests the Secretary-General, within the limits of the United Nations regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate;

10. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 23.]

60th meeting
20 April 2000
[Adopted without a vote. See chap. XI.]

2000/43. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Reaffirming that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that such actions constitute a criminal attempt to destroy a fellow human being physically and mentally, which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Recalling that freedom from torture and cruel, inhuman or degrading treatment or punishment is a non-derogable right and that the prohibition of torture is explicitly affirmed in article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as in the relevant provisions of other international human rights instruments such as the Convention on the Rights of the Child, the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the four Geneva Conventions of of 12 August 1949 for the protection of war victims, and in the Rome Statute of the International Criminal Court,

Recalling also the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular General Assembly resolution 51/86 of 12 December 1996 and Commission resolution 1999/32 of 26 April 1999 and Assembly resolution 54/156 of 17 December 1999,

Mindful of the proclamation by the General Assembly, in its resolution 52/149 of 12 December 1997, of 26 June as United Nations International Day in Support of Victims of Torture,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

1. Calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. Urges all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23), in particularPart II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law;

3. Reminds Governments that corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture;

4. Condemns all forms of torture, including through intimidation, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

5. Draws the attention of Governments to the Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment annexed to the present resolution, requests the Office of the United Nations High Commissioner for Human Rights to disseminate them widely, encourages Governments to reflect upon the Principles as a useful tool in efforts to combat torture and requests the Special Rapporteur, in the normal course of his work, to solicit views from Governments and non-governmental organizations thereon;

6. Stresses in particular that all allegations of torture or other cruel, inhuman or degrading treatment or punishment be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts obtain redress and are awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation;

7. Reminds all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person;

8. Calls upon all Governments, the United Nations High Commissioner for Human Rights and United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate on 26 June the United Nations International Day in Support of Victims of Torture, this year with particular emphasis on reparation for torture victims;

9. Takes note with appreciation of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2000/59) and the ratifications and accessions to the Convention since the fifty-fifth session of the Commission;

10. Urges all States to become parties to the Convention as a matter of priority;

11. Encourages States parties to consider limiting the extent of any reservations they lodge to the Convention, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the Convention;

12. Also encourages States parties to review regularly any reservations made in respect of the provisions of the Convention with a view to withdrawing them;

13. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to avoid making, or consider the possibility of withdrawing, reservations to article 20;

14. Urges States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

15. Also urges all States parties to comply strictly with their obligations in accordance with article 19 of the Convention, including their reporting obligations, and, in particular, those States parties whose reports are long overdue to submit their reports forthwith, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

16. Stresses that under article 4 of the Convention acts of torture must be made an offence under domestic criminal law and that acts of torture during armed

conflict are considered a grave breach of the Geneva Conventions of 12 August 1949, with the perpetrators liable to prosecution and punishment;

17. Emphasizes the obligation of States parties under article 10 of the Convention against Torture and Other Cruel, Degrading or Inhuman Treatment or Punishment to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

18. Stresses in this context that States must not punish personnel referred to in the preceding paragraph for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

19. Welcomes the report of the Committee against Torture on its twenty-first and twenty-second sessions (A/54/44);

20. Also welcomes the work of the Committee and its practice of formulating concluding observations after the consideration of reports, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture within the jurisdiction of States parties;

21. Urges States parties to take fully into account, in implementing the provisions of the Convention, the conclusions and recommendations made by the Committee against Torture at the end of its consideration of their reports;

22. Requests the Secretary-General to continue to submit to the Commission an annual report on the status of the Convention;

23. Commends the Special Rapporteur for his work as reflected in his report (E/CN.4/2000/9 and Add.1-5);

24. Notes the recommendations of the Special Rapporteur contained in his report, as well as the recommendations made in previous years, and encourages him to continue to include amongst his recommendations proposals on the prevention and investigation of torture, taking into account information received on training manuals and activities aimed at facilitating the practice of torture;

25. Approves the methods of work employed by the Special Rapporteur as set out in a previous report (E/CN.4/1997/4, annex), in particular with regard to urgent appeals, encourages him to continue to respond effectively to credible and reliable information that comes before him and invites him to continue to seek the views and comments of all concerned, including Governments, in the elaboration of his report;

26. Invites the Special Rapporteur to continue to consider questions concerning torture and other cruel, inhuman or degrading treatment or punishment directed against women and conditions conducive to such torture, to make appropriate recommendations concerning the prevention and redress of gender-specific forms of torture, including rape or any other form of sexual violence, and to exchange views with the Special Rapporteur on violence against women with a view to enhancing further their mutual cooperation;

27. Also invites the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations concerning the prevention of such torture;

28. Calls upon all Governments to cooperate with and assist the Special Rapporteur on the question of torture in the performance of his task, to supply all necessary information requested by him and to react appropriately and expeditiously to his urgent appeals;

29. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

30. Calls upon all Governments to give serious consideration to the Special Rapporteur's requests to visit their countries and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations, so as to enable him to fulfil his mandate even more effectively;

31. Requests the Special Rapporteur to continue to consider inclusion of information in his report on the follow-up by Governments to his recommendations, visits and communications, including both improvements and problems encountered;

32. Considers it desirable that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the Office of the United Nations High Commissioner for Human Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation, while avoiding unnecessary duplication with other special procedures, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

33. Invites the Special Rapporteur to present an interim report to the General Assembly at its fifty-fifth session on the overall trends and developments with regard to his mandate and a full report to the Commission at its fifty-seventh session, including all replies sent by Governments that are received in any of the official languages of the United Nations;

34. Takes note of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/54/177 and E/CN.4/2000/60 and Add.1);

35. Expresses its appreciation to the Board of Trustees of the Fund for the work it has accomplished and to those Governments, organizations and individuals that have contributed to the Fund, and encourages them to continue to do so;

36. Appeals to all Governments, organizations and individuals to contribute annually to the Fund and preferably by 1 March before the annual meeting of the Board of Trustees of the Fund, if possible with a substantial increase in the contributions in order to take into consideration the ever-increasing requests for assistance;

37. Stresses in particular the increasing need for assistance to rehabilitation services for victims of torture and to small projects of humanitarian assistance to victims of torture;

38. Requests the Secretary-General to continue to include the Fund, on an annual basis, among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

39. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

40. Calls upon the Board of Trustees of the Fund to report to the Commission at its fifty-seventh session and to present an updated assessment of the global need for international funding of rehabilitation services for victims of torture and of lessons learned from the activities of the Fund;

41. Requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis;

42. Urges States parties whose arrears pre-date the provision made by the Secretary-General for funding the Committee against Torture from the regular budget to fulfil their obligations forthwith;

43. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing, as well as the necessary technical facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance;

44. Decides to continue to consider these questions at its fifty-seventh session, as a matter of priority.

60th meeting
20 April 2000
[Adopted without a vote. See chap. XI.]

ANNEX

Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment

1. The purposes of effective investigation and documentation of torture and other cruel, inhuman or degrading treatment (hereafter torture or other ill-treatment) include the following:

(i) Clarification of the facts and establishment and acknowledgement of individual and State responsibility for victims and their families;

(ii) Identification of measures needed to prevent recurrence;

(iii) Facilitating prosecution and/or, as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible, and demonstrating the need for full reparation and redress from the State, including fair and adequate financial compensation and provision of the means for medical care and rehabilitation.

2. States shall ensure that complaints and reports of torture or ill-treatment shall be promptly and effectively investigated. Even in the absence of an express complaint, an investigation should be undertaken if there are other indications that torture or ill-treatment might have occurred. The investigators, who shall be independent of the suspected perpetrators and the agency they serve, shall be competent and impartial. They shall have access to, or be empowered to commission investigations by impartial medical or other experts. The methods used to carry out

such investigations shall meet the highest professional standards, and the findings shall be made pub[a]lic.

3. (*a*) The investigative authority shall have the power and obligation to obtain all the information necessary to the inquiry.[a/] The persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige all those acting in an official capacity allegedly involved in torture or ill-treatment to appear and testify. The same shall apply to any witness. To this end, the investigative authority shall be entitled to issue summonses to witnesses, including any officials allegedly involved, and to demand the production of evidence;

(*b*) Alleged victims of torture or ill-treatment, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation that may arise pursuant to the investigation. Those potentially implicated in torture or ill-treatment shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation.

4. Alleged victims of torture or ill-treatment and their legal representatives shall be informed of, and have access to any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence.

5. (*a*) In cases in which the established investigative procedures are inadequate because of insufficient expertise or suspected bias, or because of the apparent existence of a pattern of abuse, or for other substantial reasons, States shall ensure that investigations are undertaken through an independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any suspected perpetrators and the institutions or agencies they may serve. The commission shall have the authority to obtain all

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[a] Under certain circumstances, professional ethics may require information to be kept confidential. These requirements should be respected.

information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles.[a]

(*b*) A written report, made within a reasonable time, shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. On completion, this report shall be made public. It shall also describe in detail specific events that were found to have occurred, the evidence upon which such findings were based, and list the names of witnesses who testified with the exception of those whose identities have been withheld for their own protection. The State shall, within a reasonable period of time, reply to the report of the investigation and, as appropriate, indicate steps to be taken in response.

6. (*a*) Medical experts involved in the investigation of torture or ill-treatment should behave at all times in conformity with the highest ethical standards and in particular shall obtain informed consent before any examination is undertaken. The examination must conform to established standards of medical practice. In particular, examinations shall be conducted in private under the control of the medical expert and outside the presence of security agents and other government officials;

(*b*) The medical expert should promptly prepare an accurate written report. This report should include at least the following:

(i) Circumstances of the interview: name of the subject and name affiliation of those present at the examination; the exact time and date; the location, nature and address of the institution (including, where appropriate, the room) where the examination is being conducted (e.g. detention centre, clinic, house, etc.); the circumstances of the subject at the time of the examination (e.g. nature of any restraints on arrival or during the examination, presence of security forces during the examination, demeanour of those accompanying the prisoner, threatening statements to the examiner, etc.); and any other relevant factor;

(ii) History: a detailed record of the subject's story as given during the interview, including alleged methods of torture or ill-treatment, the times when torture or ill-treatment is alleged to have occurred and all complaints of physical and psychological symptoms;

(iii) Physical and psychological examination: a record of all physical and psychological findings on clinical examination including appropriate diagnostic tests and, where possible, colour photographs of all injuries;

(iv) Opinion: an interpretation as to the probable relationship of the physical and psychological findings to possible torture or ill-treatment. A recommendation for any necessary medical and psychological treatment and/or further examination should be given;

(v) Authorship: the report should clearly identify those carrying out the examination and should be signed.

(*c*) The report should be confidential and communicated to the subject or his or her nominated representative. The views of the subject and his or her representative about the examination process should be solicited and recorded in the report. It should also be provided in writing, where appropriate, to the authority responsible for investigating the allegation of torture or ill-treatment. It is the responsibility of the State to ensure that it is delivered securely to these persons. The report should not be made available to any other person, except with the consent of the subject or on the authorization of a court empowered to enforce such transfer.

2000/44. Traffic in women and girls

The Commission on Human Rights,

Recalling all previous resolutions on the problem of the traffic in women and girls adopted by the General Assembly and the Commission on Human Rights, as well as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Reaffirming the provisions adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders pertaining to the traffic in women and children,

Stressing once again the urgent need to eliminate all forms of sexual violence and trafficking, including for prostitution, which are violations of the human rights of women and girls and are incompatible with the dignity and worth of the human person, through the adoption of effective measures nationally, regionally and internationally,

Taking note of the work being done by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, in particular its elaboration of a protocol to prevent, suppress and punish trafficking in persons, especially women and children,

Welcoming the consensus reached on the draft optional protocol to the Convention on the Rights of Child on the sale of children, child prostitution and child pornography and the adoption of International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Also welcoming bilateral and regional cooperation mechanisms and initiatives to address the problem of trafficking in women and girls,

Recognizing that global efforts, including international cooperation and technical assistance programmes, to eradicate trafficking in persons, particularly women and children, demand strong political commitment by and the active cooperation of all Governments of countries of origin, transit and destination,

Stressing the need for a global approach to eradicate trafficking in women and children and the importance, in this regard, of systematic data collection and comprehensive studies, including on the *modus operandi* of trafficking syndicates, Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelter for trafficked women and children, and in effecting their voluntary repatriation to their countries of origin,

Recognizing the need to address the impact of globalization on the problem of trafficking in women and girls,

Seriously concerned at the increasing number of women and girl children from developing countries and from some economies in transition who are being trafficked to developed countries, as well as within and between regions and States, and acknowledging that the problem of trafficking also includes the victimizing of boys,

Gravely concerned at the increasing activities of transnational criminal organizations and others that profit from international trafficking in women and children without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Deeply concerned about the unabated use of new information technologies, including the Internet, for purposes of prostitution, child pornography, paedophilia, trafficking in women as brides and sex tourism,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/2000/66) on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls;

2. Welcomes the report of the Special Rapporteur on violence against women, its causes and consequences, on trafficking in women, women's migration and violence against women (E/CN.4/2000/68);

3. Also welcomes the steps taken by human rights treaty bodies, the special rapporteurs and subsidiary bodies of the Commission, the Office of the United Nations High Commissioner for Human Rights, other United Nations bodies and

international organizations to address within their mandates the problem of trafficking in women and girls, and encourages them to continue doing so and to share their knowledge and best practices as widely as possible;

4. Urges Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

5. Invites Governments to take steps to ensure for victims of trafficking the respect of all their human rights and fundamental freedoms, including taking steps to ensure all legislation related to combating trafficking is gender sensitive and provides protection for the human rights of women and girls and against violations committed against women and girls;

6. Calls upon Governments to criminalize trafficking in women and girls in all its forms, and to condemn and penalize all the offenders involved, including intermediaries, whether their offence was committed in their own or in a foreign country, while ensuring that the victims of those practices are not penalized;

7. Encourages Governments to conclude bilateral, subregional, regional and international agreements to address the problem of trafficking in women and girls;

8. Also encourages Governments to work for the early finalization of the draft convention against transnational organized crime, including the draft protocol to prevent, suppress and punish trafficking in persons, especially women and children, and to give the draft convention and the protocol a human rights perspective;

9. Further encourages Governments, in cooperation with non-governmental organizations, to undertake campaigns aimed at clarifying opportunities, limitations and rights in the event of migration so as to enable women

to make informed decisions and to prevent them from becoming victims of trafficking;

10. Calls upon concerned Governments to allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and health care and by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims;

11. Notes with appreciation the efforts of participating Governments and intergovernmental and non-governmental organizations at the Asian Regional Initiative Against Trafficking in Women and Children meeting in Manila in March 2000 to develop a regional action plan against trafficking in persons, especially women and children, and encourages other regional initiatives in this regard;

12. Encourages Governments, intergovernmental and non-governmental organizations, the human rights treaty bodies, the special rapporteurs, especially the Special Rapporteur on violence against women, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the human rights of migrants, and subsidiary bodies of the Commission to participate in and contribute to the work of the twenty-sixth session of the Working Group on Contemporary Forms of Slavery in 2001 that will focus on the issue of trafficking;

13. Requests the Secretary-General to provide the Commission, at its fifty-seventh session, with an update on the report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls;

14. Decides to continue its consideration of this question at its fifty-seventh session under the appropriate agenda item.

61st meeting
20 April 2000
[Adopted without a vote. See chap. XII.]

2000/45. Elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolutions 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences, and 1997/44 of 11 April 1997, in which that mandate was renewed,

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the entry into force of its Optional Protocol will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process,

Welcoming the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I) and follow-up action such as the agreed conclusions adopted by the Commission on the Status of Women on violence against women and on the other critical areas of concern identified in the Platform for Action, Recalling that the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated, and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stressed the importance of working towards the elimination of violence against women in public and private life, and urged the eradication of all forms of discrimination against women,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially targeted and vulnerable to violence,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court (A/CONF.183/9), which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence constitute, in defined circumstances, a crime against humanity and a war crime, and reiterating that acts of sexual violence in situations of armed conflict can constitute serious violations or grave breaches of international humanitarian law,

1. Welcomes the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2000/68 and Add. 1-5), and encourages her in her future work;

2. Condemns all acts of gender-based violence against women and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in

accordance with national legislation, punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State, by private persons or by armed groups or warring factions, and to provide access to just and effective remedies and specialized, including medical, assistance to victims;

3. Affirms that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, traditional practices harmful to women, including female genital mutilation, and forced marriages;

4. Also affirms that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms;

5. Strongly condemns physical, sexual and psychological violence occurring in the family, which encompasses, but is not limited to, battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female infanticide, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

6. Encourages Governments and the United Nations system to ensure greater international cooperation in, and national attention to, acquiring data and developing indicators on the extent, nature and consequences of violence against women and girls, and on the impact and effectiveness of policies and programmes for combating this violence;

7. Welcomes the decision by the General Assembly to designate 25 November as the International Day for the Elimination of Violence against Women;

8. Also welcomes the establishment in March 1999 by the Office of the United Nations High Commissioner for Human Rights of a programme against trafficking in persons;

9. Encourages Governments to ensure that all international and national measures to eliminate trafficking, including the draft protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, promote and protect the human rights of victims;

10. Urges all Governments to mainstream a gender perspective, as appropriate, into national immigration and asylum policies, regulations and practices, in order to extend protection to those women whose claim for protection is based on gender-related persecution;

11. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested and to respond to the Special Rapporteur's visits and communications;

12. Welcomes the efforts of the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate, by sending joint urgent appeals and communications with other special rapporteurs;

13. Invites the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights, including, where appropriate, undertaking joint missions and writing joint reports;

14. Requests special rapporteurs responsible for various human rights questions, United Nations organs and bodies, specialized agencies and intergovernmental organizations, and encourages human rights treaty bodies, to give

consideration to violence against women within their respective mandates and to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, and in particular to respond to her requests for information on violence against women, its causes and consequences;

15. Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent all forms of violence against women, and calls upon States:

(*a*) To apply international human rights norms and to ratify and implement fully international human rights instruments that relate to violence against women;

(*b*) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments sex-disaggregated data and, whenever possible, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Beijing Platform for Action adopted by the Fourth World Conference on Women;

(*c*) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(*d*) To enact and, where necessary, reinforce or amend penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, to ensure that they conform with relevant international human rights instruments and humanitarian law, and to take action to investigate and punish persons who perpetrate acts of violence against women;

(*e*) To consider undertaking comprehensive, objective and easily accessible information campaigns about violence against women;

(*f*) To establish and/or strengthen, at the national level, collaborative relationships with relevant non-governmental and community-based organizations, and with public and private sector institutions, aimed at the development and effective implementation of provisions and policies relating to violence against women, including in the area of support services to respond to the needs of women and girl survivors of violence and to assist them in their full recovery and reintegration into society;

(*g*) To create, improve or develop, as appropriate, and fund training programmes, taking into account, *inter alia*, sex-disaggregated data on the causes and effects of violence against women, for judicial, legal, medical, social, educational, police, correctional service, military, peacekeeping, humanitarian relief and immigration personnel, in order to avoid the abuse of power leading to violence against women and to sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be ensured;

(*h*) To sensitize all persons, men and women, to the causes and effects of violence against women and to highlight men's role in its prevention and elimination, to encourage and support men's initiatives to complement the efforts of women's organization in this regard, and to encourage behavioural change by perpetrators of violence against women;

16. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be implemented fully with regard to violence against women, taking into account General Recommendation No. 19 adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those States which are still not parties to the Convention to work actively towards ratification of or accession to it so that universal ratification can be achieved by the end of the year 2000, and encourages all Member States to consider signing, ratifying or acceding to the Optional Protocol to the Convention;

17. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness of the issue of violence against women and to contribute to its elimination;

18. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

19. Decides to renew the mandate of the Special Rapporteur for a period of three years;

20. Requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-fifth session, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

21. Decides to continue consideration of the question as a matter of high priority at its fifty-seventh session.

61st meeting
20 April 2000
[Adopted without a vote. See chap. XII.]

2000/46. Integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that the equal rights of women and men are enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the

Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling all previous resolutions on this subject,

Recalling also that, in the Vienna Declaration and Programme of Action adopted in June 1993 (A/CONF.157/23), the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity,

Emphasizing that all entities of the United Nations system, as well as the major United Nations conferences and summits, including in the process of implementation of their outcome, should further mainstream a gender perspective at all levels, bearing in mind the need for integrated and coordinated follow-up,

Bearing in mind that the Fourth World Conference on Women held in Beijing in September 1995, in its Platform for Action (A/CONF.177/20, chap. I, annex II), called upon all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Welcoming the adoption without a vote by the General Assembly, in its resolution 54/4 of 6 October 1999, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was opened for signature, ratification and accession on 10 December 1999, and the fact that a number of States have already signed the Optional Protocol,

Emphasizing the pivotal role of the Commission on the Status of Women in promoting equality between women and men, and welcoming its agreed conclusions on the human rights of women and on the other critical areas of concern of the Platform for Action,

Acknowledging the need to integrate further the human rights of women and a gender perspective into all aspects of the work of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights and all other subsidiary mechanisms,

Acknowledging, furthermore, the need for a comprehensive and integrated approach to the promotion and protection of the human rights of women, which includes the integration of the human rights of women into the mainstream of United Nations activities system-wide,

Reaffirming the important role women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2000/67);

2. *Also welcomes* the ministerial communiqué adopted by the Economic and Social Council at the high-level segment of its substantive session of 1999 on the theme "The role of employment and work in poverty eradication: the empowerment and advancement of women";

3. *Emphasizes* that the goal of mainstreaming a gender perspective is to achieve gender equality and that this includes ensuring that all United Nations activities integrate the human rights of women;

4. *Invites* the Economic and Social Council to give attention to the implementation of its agreed conclusions 1997/2 on mainstreaming the gender perspective and 1998/2 related to the coordinated follow-up and implementation of the Vienna Declaration and Programme of Action, in particular point II.B.3 on the equal status and human rights of women, including in its coordination segment of 2000 on the theme of the assessment of the progress made within the United Nations system, through the conference reviews, in the promotion of an integrated and

coordinated implementation of and follow-up to major United Nations conferences and summits in the economic, social and related fields;

5. Encourages the continued commitment of the United Nations High Commissioner for Human Rights to integrating the human rights of women throughout the United Nations system and, in this regard, welcomes the finalization by the High Commissioner of the policy statement on gender and the human rights of women, and the cooperation on women's human rights between the High Commissioner and the Special Adviser on Gender Issues and Advancement of Women;

6. Welcomes the continued cooperation between the Commission on the Status of Women and the Commission on Human Rights, including through joint bureau meetings and the participation of the Chair of the Commission on the Status of Women in the work of the Commission on Human Rights under the relevant agenda item, and encourages the continuation of this cooperation;

7. Also welcomes the cooperation and coordination between the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights aimed at mainstreaming women's human rights, and the report of the Secretary-General on the joint work plan for the year 2000 (E/CN.4/2000/118-E/CN.6/2000/8) and encourages the Secretary-General to ensure its implementation, to continue to elaborate this plan, reflecting all aspects of work under way and the lessons learned, to identify obstacles/impediments and areas for further collaboration and to make it available to the Commission on Human Rights at its fifty-seventh session and to the Commission on the Status of Women at its forty-fifth session;

8. Draws attention to the need to develop practical strategies to implement the recommendations contained in the report of the expert group on the development of guidelines for the integration of a gender perspective into human rights activities and programmes (E/CN.4/1996/105, annex) and, in this regard, notes with interest the workshop on gender integration into the human rights system,

Advancement for Women and the United Nations Development Fund for Women and held from 26 to 28 May 1999;

9. Urges the relevant organs, bodies and agencies of the United Nations system, including all human rights bodies, the Office of the United Nations High Commissioner for Human Rights and the office of the United Nations High Commissioner for Refugees to bear in mind, in the recruitment of staff, including for peacekeeping operations and humanitarian and human rights missions, the need for expertise in women's and girls' enjoyment of human rights;

10. Emphasizes the need for further activities in the United Nations system to strengthen expertise concerning the equal status and human rights of women through, *inter alia*, the provision of training on the human rights of women and on gender mainstreaming, including through gender impact analysis, to all United Nations personnel and officials at Headquarters and in the field, especially in field operations;

11. Recognizes that gender mainstreaming will strongly benefit from the enhanced and full participation of women, including at the higher levels of decision-making in the United Nations system, and in this regard strongly encourages Member States to promote gender balance by, *inter alia*, regularly nominating more women candidates for election to the human rights treaty bodies and for appointment to United Nations bodies, the specialized agencies and other organs, and calls upon all relevant actors to implement General Assembly resolution 54/139 of 17 December 1999 on improvement of the status of women in the Secretariat;

12. Encourages United Nations bodies and agencies to increase cooperation with other organizations in developing activities to address, within their respective mandates, violations of the human rights of women and to promote the full enjoyment of all human rights and fundamental freedoms by women, including by developing activities with other organizations;

13. Requests all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-

Commission for the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates, and to include in their reports information on and qualitative analysis of human rights of women and girls, and encourages the strengthening of cooperation and coordination in this regard;

14. Recalls the paper prepared for the meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Commission and of the advisory services programme held from 28 to 30 May 1996 (E/CN.4/1997/3, annex) and the description therein of gender-specific analysis and reporting as an examination of the effects of gender on the form which a human rights violation takes, the circumstances in which a particular violation occurs, the consequences for the victim and the availability and accessibility of remedies, and urges the implementation of the recommendations pertaining to working methods and reporting methodology, including sources of information and gender-specific analysis in conclusions and recommendations;

15. Notes with appreciation the request made by the Economic and Social Council in its agreed conclusions 1998/2 that the Commission make explicit the integration of a gender perspective when establishing or renewing human rights mandates;

16. Urges the use of gender-inclusive language in the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms, and requests the Office of the United Nations High Commissioner for Human Rights to utilize gender-inclusive language in the preparation of all of its communications, reports and publications, and to work with the United Nations conference services to ensure gender-inclusive language and interpretation in the proceedings of the Office.

17. Encourages the efforts of the treaty bodies to monitor more effectively

the human rights of women in their activities, bearing in mind the workshop on gender integration, and reaffirms that it is the responsibility of all treaty bodies, in their work, to integrate a gender perspective, bearing in mind also the need:

(*a*) To develop gender-sensitive guidelines to be used in the review of States parties' reports;

(*b*) To develop, as a matter of priority, a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women;

(*c*) To incorporate a gender analysis and regularly exchange information in the development of general comments and recommendations, with a view to the preparation of general comments which reflect a gender perspective;

(*d*) To incorporate a gender perspective in concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State party insofar as enjoyment by women of the rights guaranteed by a particular treaty is concerned;

18. Encourages all entities charged with the promotion and protection of human rights, especially United Nations human rights bodies and mechanisms, to identify, collect and use sex-disaggregated data and gender-specific information in their activities and to apply gender analysis in monitoring and reporting;

19. Welcomes the submission of reports by specialized agencies, at the invitation of the Committee on the Elimination of Discrimination against Women, on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in areas falling within the scope of their activities and the contribution of non-governmental organizations to the work of the Committee;

20. Encourages all entities of the United Nations system to pay systematic, increased and sustained attention to the recommendations of the Committee, in order

to ensure that its concluding observations and general recommendations are better utilized in their respective work;

21. Urges all States that have not yet ratified or acceded to the Convention to do so as soon as possible so that universal ratification of the Convention can be achieved by the end of the year 2000, and encourages all Member States to consider signing, ratifying or acceding to the Optional Protocol to the Convention so that it can enter into force as soon as possible;

22. Urges States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly to review them with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law;

23. Urges States that have ratified or acceded to the Convention to take action to implement the Convention fully, *inter alia* through national legislation, policies and practice, and to take account of the recommendations of the Committee on the Elimination of Discrimination against Women in this regard;

24. Requests the Secretary-General to report, at its fifty-seventh session, on the implementation of the present resolution;

25. Decides to integrate a gender perspective into all agenda items of the Commission;

26. Also decides to continue its consideration of the question at its fifty-seventh session.

61st meeting
20 April 2000
[Adopted without a vote. See chap. XII.]

2000/47. Promoting and consolidating democracy

The Commission on Human Rights,

Bearing in mind the purposes and principles of the Charter of the United Nations, and reaffirming that one of the basic aims of the United Nations is to promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, disability, birth or other status,

Recalling its resolution 1999/57 of 27 April 1999 on promotion of the right to democracy,

Reaffirming the indissoluble link between human rights as enshrined in the Universal Declaration of Human Rights and in the international human rights treaties and the foundation of any democratic society,

Recalling that all peoples have the right of self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development,

Recalling also that in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), it recommended that priority be given to national and international action to promote democracy, development and human rights,

Recalling further General Assembly resolution 53/243 of 13 September 1999 containing the Declaration and Programme of Action for a Culture of Peace,

Reaffirming its commitment to the process of democratization of States, and recognizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming also that good governance, including through transparency and accountability, is indispensable for building peaceful, prosperous and democratic societies,

Aware of the crucial importance of active involvement of civil society in processes of governance that affect the life of people,

Recalling commitments undertaken by Member States for the promotion of democracy and the rule of law, within the framework of the United Nations and other international organizations,

Welcoming measures such as resolution 1080 of the Organization of American States, decision 141/XXXV of the Organization of African Unity and the Moscow Document on the Human Dimension adopted in 1991 by the Conference for Security and Cooperation in Europe, which commit member States to take certain steps in the event of an interruption of democratic government, as well as the 1991 Harare Commonwealth Declaration which commits members to fundamental democratic principles,

Encouraged by the wish of an increasing number of countries all over the world to devote their energy, means and political will to the building of democratic societies where individuals have the opportunity to shape their own destiny,

Noting the initiatives taken by the countries that participated in the first, second and third International Conferences of New or Restored Democracies, held respectively in Manila in June 1988, in Managua in July 1994 and in Bucharest in September 1997,

Noting that the Fourth International Conference of New or Restored Democracies is scheduled to be held in Cotonou, Benin, in December 2000, the initiative taken by Poland to host a meeting of Governments committed to the democratic path in Warsaw in June 2000, as well as the initiative of the Government of Mali to host in Bamako, in 2000, following the Final Declaration adopted in September 1999 in Moncton, Canada, by the Eighth Summit of the International Organization of the Francophonie, an international symposium at ministerial level on the practices of democracy in the francophone areas,

1. Calls upon States:

(*a*) To consolidate democracy through the promotion of pluralism, the protection of human rights and fundamental freedoms, maximizing the participation of individuals in decision-making and the development of competent and public institutions, including an independent judiciary, effective and accountable legislature and public service and an electoral system that ensures periodic, free and fair elections;

(*b*) To promote, protect and respect all human rights and fundamental freedoms, in particular:

(i) Freedom of thought, conscience, religion, belief, peaceful assembly and association, as well as freedom of expression, freedom of opinion, and free, independent and pluralistic media;

(ii) The rights of persons belonging to national, ethnic, religious or linguistic minorities, including the right freely to express, preserve and develop their identity without any discrimination and in full equality before the law;

(iii) The rights of indigenous people;

(iv) The rights of children, the elderly and persons with physical or mental disabilities;

(v) By actively promoting gender equality with the aim of achieving full equality between men and women;

(vi) By considering becoming parties to international human rights instruments;

(vii) By fulfilling their obligations under international human rights instruments to which they are parties;

(*c*) To strengthen the rule of law by:

(i) Ensuring equality before the law and equal protection under the law;

(ii) Ensuring the right to liberty and security of person, to equal access to justice, and to be brought promptly before a judge or other officer authorized by law to exercise judicial power in the case of detention, to avoid arbitrary arrest;

(iii) Guaranteeing the right to a fair trial;

(iv) Ensuring due process of law and the right to be presumed innocent until proven guilty in a court of law;

(v) Promoting continuously the independence and integrity of the judiciary and, by means of appropriate education, selection, support and allocation of resources, strengthening its capacity to render justice with fairness and efficiency, free from improper or corrupt outside influence;

(vi) Guaranteeing that persons who are deprived of their liberty are treated with humanity and dignity;

(vii) Ensuring appropriate civil and administrative remedies and criminal sanctions for violations of human rights, as well as effective protection for human rights defenders;

(viii) Including information on human rights obligations in training for civil servants, police forces and the military;

(ix) Ensuring that the military remains accountable to democratically elected civilian government;

(*d*) To develop, nurture and maintain an electoral system that provides for the free and fair expression of the people's will through genuine and periodic elections, in particular by:

(i) Ensuring the right of everyone to take part in the government of his/her country, directly or through freely chosen representatives;

(ii) Guaranteeing the right freely to vote and to be elected in a free and fair process at regular intervals, by universal and equal suffrage, open to multiple parties, conducted by secret ballot;

(iii) Taking measures as appropriate to address the representation of under-represented segments of society;

(iv) Ensuring, through legislation, institutions and mechanisms, the freedom to form democratic political parties as well as transparency and fairness of the electoral process, including through appropriate access to funds and free, independent and pluralistic media;

(*e*) To create and improve the legal framework and necessary mechanisms for enabling the wide participation of members of civil society - individuals, groups and associations - in the development of democracy, by:

(i) Respecting the diversity of society by promoting associations, dialogue structures, mass media and their interaction as a means of strengthening and developing democracy;

(ii) Fostering, through education and other means, awareness and respect for democratic values;

(iii) Encouraging the exercise of the right to form, join and participate in non-governmental organizations, associations or groups, including trade unions;

(iv) Guaranteeing mechanisms for the involvement of civil society in processes of governance and developing cooperation between local authorities and non-governmental organizations;

(v) Providing or improving the legal and administrative framework for non-governmental, community-based and other civil society organizations;

(vi) Promoting active civil education and education on human rights, *inter alia* by organizations of civil society;

(*f*) To strengthen democracy through good governance by:

(i) Improving the transparency of public institutions and policy-making procedures and enhancing the accountability of public officials;

(ii) Taking legal, administrative and political measures against corruption, disclosing it and punishing all those involved in acts of corruption of public officials;

(iii) Bringing government closer to the people by appropriate levels of devolution;

(iv) Promoting the widest possible public access to information about the activities of national and local authorities, as well as ensuring access by all to administrative remedies, without discrimination;

(v) Fostering high levels of competence, ethics and professionalism within the civil service, and its cooperation with the public, *inter alia* by providing appropriate training to the civil service;

(*g*) To strengthen democracy by promoting sustainable development, in particular by:

(i) Taking effective measures aimed at the progressive realization of economic, social and cultural rights, such as the right to education and the right to a standard of living adequate for health and well-being, including food, clothing, housing and medical care and necessary social services, individually and through international cooperation;

(ii) Also taking effective measures aimed at overcoming social inequalities and eliminating poverty;

(iii) Promoting economic freedom and pursuing active policies to provide opportunities for productive employment and sustainable livelihood;

(iv) Ensuring equal access to economic opportunities and equal pay and other rewards for work of equal value;

(v) Creating a legislative and regulatory framework with a view to promoting sound and sustainable economic development;

(*h*) To enhance social cohesion and solidarity by:

(i) Developing and strengthening institutional and educational capabilities, at local and national levels, to mediate conflicts, to resolve disputes peacefully, and to prevent and eliminate the use of violence in addressing societal tensions and disagreements;

(ii) Improving social protection systems and working towards ensuring basic social services for all;

(iii) Encouraging social dialogue and tripartite cooperation with respect to labour relations among government, trade unions and employer organizations, as reflected in the International Labour Organization core Conventions;

2. Requests the Office of the United Nations High Commissioner for Human Rights and human rights mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their mandates, to the content of paragraph 1;

3. Also requests the United Nations High Commissioner for Human Rights, in her report to the Commission at its fifty-seventh session, to reflect progress on the implementation of the present resolution;

4. Further requests the Secretary-General and the High Commissioner to bring the present resolution to the attention of member States, the competent United Nations organs and intergovernmental and non-governmental organizations and to disseminate it on the widest possible basis;

5. Decides to continue consideration of the matter at its fifty-seventh session under the same agenda item.

62nd meeting
25 April 2000
[Adopted by a roll-call vote of 45 votes to none,
with 8 abstentions. See chap. XI.]

2000/48. Human rights of migrants

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant,

Reaffirming also that every State party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind, including on the basis of national origin,

Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women,

Recalling General Assembly resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Taking note of the large and increasing number of migrants in the world,

Deeply concerned at the manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants in different parts of the world,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, *inter alia*, to their absence from their State of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles for the return of migrants who are non-documented or in an irregular situation to their States of origin,

Also bearing in mind the need for a focused and consistent approach towards migrants as a specific vulnerable group, particularly women and children migrants,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Taking note with appreciation of the recommendations by the Intergovernmental Working Group of Experts on the Human Rights of Migrants on strengthening the promotion, protection and implementation of the human rights of this large vulnerable group,

Noting with appreciation the efforts made by some States to penalize the international trafficking of migrants and to protect the victims of this illegal activity,

Bearing in mind the mandate of the Special Rapporteur on the human rights of migrants contained in its resolution 1999/44 of 27 April 1999,

Also bearing in mind General Assembly resolution 54/166 of 17 December 1999, in which the Assembly welcomes the Commission's decision to appoint a special rapporteur on the human rights of migrants,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. Acknowledges that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants;

2. Requests States, in conformity with their respective constitutional systems, the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on human rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, effectively to promote and protect the fundamental human rights of all migrants;

3. Welcomes the first report of the Special Rapporteur (E/CN.4/2000/82) submitted pursuant to Commission resolution 1999/44, especially the plan of action and recommendations;

4. Encourages the Special Rapporteur to continue examining ways and means of overcoming existing obstacles to the full and effective protection of the human rights of this vulnerable group, including obstacles and difficulties for the return of migrants who are non-documented or in an irregular situation, in conformity with her mandate contained in Commission on Human Rights resolution 1999/44;

5. Requests the Special Rapporteur, in carrying out her mandate and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, to request, receive and exchange information on violations of the human rights of migrants, wherever they may occur, from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

6. Requests the aforementioned mechanisms to cooperate with the Special Rapporteur;

7. Requests the Special Rapporteur to include in her work schedule a programme of visits for the next two years, with a view to improving the protection

afforded to the human rights of migrants, thus implementing as broadly and fully as possible all the aspects of her mandate;

8. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable her to fulfil her mandate effectively;

9. Requests all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to her urgent appeals;

10. Welcomes the Special Rapporteur's recommendation that close links be established between her work and that of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, within the framework of the World Conference's objectives, and encourages her to help identify the main issues which the World Conference should address;

11. Requests the Special Rapporteur, in carrying out her mandate, to take into account bilateral and regional negotiations which aim at addressing, *inter alia*, the return and reinsertion of migrants who are non-documented or in an irregular situation;

12. Strongly condemns all forms of racial discrimination and xenophobia related to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public, and welcomes the active role played by governmental and non-governmental organizations in combating racism and xenophobia and assisting individual victims of racist acts, including migrant victims;

13. Calls upon all States to consider reviewing and, where necessary, revising immigration policies with a view to eliminating all discriminatory policies and practices against migrants and to provide specialized training for government policy-making and law enforcement, migration and other concerned officials, thus

underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

14. Reiterates the need for all States to protect fully the universally recognized human rights of migrants, especially those of women and children, regardless of their legal status, and to treat them humanely, particularly with regard to assistance and protection, applying, *inter alia,* the measures provided under the Vienna Convention on Consular Relations regarding the right to receive consular assistance by the country of origin;

15. Encourages Member States that have not yet done so to enact domestic legislation to combat international trafficking of migrants, which should take into account, in particular, trafficking that endangers the lives of migrants or entails different forms of servitude or exploitation, such as any form of debt bondage, slavery and sexual or labour exploitation, and to strengthen international cooperation to combat such trafficking;

16. Calls upon States to protect all human rights of migrant children, particularly unaccompanied migrant children, ensuring that the best interests of the children are the paramount consideration, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations to strengthen their protection;

17. Requests the Economic and Social Council to consider the possibility of recommending that the Secretary-General adopt 18 December as International Migrant's Day;

18. Requests the Special Rapporteur to submit a report on her activities to the Commission at its fifty-seventh session;

19. Requests the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of her mandate;

20. Decides to examine this question further, as a matter of priority, at its fifty-seventh session under the same agenda item.

62nd meeting
25 April 2000
[Adopted without a vote. See chap. XIV.]

2000/49. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Racial Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrant workers,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment against migrant workers in different parts of the world;

2. Urges countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, *inter alia* through the organization of training courses on human rights;

3. Takes note of the report of the Secretary-General (E/CN.4/2000/77) on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and welcomes the fact that some additional member States have recently signed, ratified or acceded to the Convention;

4. Welcomes the fact that some member States have signed or ratified the Convention or have acceded to it;

5. Calls upon all member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, expresses the hope that

this international instrument will enter into force at an early date and observes that, in accordance with article 87 of the Convention, only eight more ratifications or accessions are needed for it to enter into force;

6. Requests the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

7. Welcomes the global campaign for entry into force of the Convention and invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on the Convention and promoting an understanding thereof;

8. Requests the Secretary-General to submit to the Commission at its fifty-seventh session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

9. Decides to include in the provisional agenda of its fifty-seventh session the item entitled "Specific groups and individuals: migrant workers".

62nd meeting
25 April 2000
[Adopted without a vote. See chap. XIV.]

2000/50. Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

The Commission on Human Rights,

Recalling the Preamble to the Charter of the United Nations, which enjoins the peoples of the United Nations to practise tolerance and live together in peace with one another as good neighbours, *Recalling also* the principles and purposes of the Charter of the United Nations,

Recalling further that the Universal Declaration of Human Rights affirms that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms and shall promote understanding, tolerance and friendship among all nations and all racial or religious groups,

Recalling the relevant paragraphs of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Noting that tolerance involves a positive acceptance of diversity and that pluralism encompasses the willingness to accord equal respect to the civil, political, economic, social and cultural rights of all individuals, without distinction based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recognizing that tolerance and pluralism strengthen democracy, facilitate the full enjoyment of all human rights and thereby constitute a sound foundation for civil society, social harmony and peace,

Fully aware that, even at the onset of the twenty-first century, forces of aggressive nationalism, absence of religious tolerance and ethnic extremism continue to produce fresh challenges,

Noting that in a multi-ethnic, multi-religious and multicultural world, no society is beyond the dangers posed by the absence of tolerance and the violence that this can breed,

Underlining the importance attached by the Committee on the Elimination of Racial Discrimination to States parties providing for educational measures for the teaching of the principles of tolerance and peaceful coexistence in a multicultural society,

Conscious that all forms of discrimination, including on ethnic grounds, are factors that promote intolerance and infringe upon human rights and fundamental freedoms, which in turn may threaten democratic pluralism and endanger harmony, peace and stability both within States and internationally,

Convinced that the guiding principles of democratic society, such as equality, the rule of law, accountability of Government, the observance of human rights, respect for pluralism and the practice of tolerance, need to be actively promoted by the international community,

Recognizing that efforts to promote tolerance require cooperation by States, civil society and individuals,

Recognizing also that promoting a culture of tolerance through human rights education is an objective that must be advanced in all States, and that the Office of the United Nations High Commissioner for Human Rights and mechanisms of the United Nations human rights system have an important role to play in this regard,

1. Condemns unequivocally all violent acts and activities that infringe upon human rights, fundamental freedoms and democracy and thereby undermine the values of tolerance and plularism;

2. Reiterates the obligation of all States and the international community:

(*a*) To promote universal respect for and observance of all human rights and fundamental freedoms;

(*b*) To protect effectively the human rights of all persons belonging to national or ethnic, religious and linguistic minorities without any discrimination and in full equality before the law;

(*c*) To oppose all forms of discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status in order to promote tolerance and pluralism at the national and international levels and take all appropriate means towards their prevention and elimination;

(*d*) To take steps to prevent all manifestations of hatred, intolerance and acts of violence, in particular through education and dialogue;

(*e*) To promote and enhance tolerance, coexistence and harmonious relations between ethnic, religious, linguistic and other groups and ensure that the values of pluralism, respect for diversity and non-discrimination are promoted effectively;

(*f*) To foster a culture conducive to promoting and protecting human rights, fundamental freedoms and tolerance, *inter alia* through education leading to genuine pluralism, a positive acceptance of diversity of opinion and belief, and respect for the dignity of the human person;

3. Notes with appreciation the activities undertaken by the Office of the United Nations High Commissioner for Human Rights to promote the values of tolerance and pluralism and calls upon the High Commissioner and her Office to take further steps:

(*a*) To include, in the work programmes of the Office, within overall existing resources, the promotion of tolerance, where appropriate through workshops and seminars, using mass media and non-governmental organizations, and, through its programme of advisory services and technical cooperation, to assist countries in their national programmes;

(*b*) To undertake, in that regard, specific educational initiatives and public-awareness activities for the promotion of tolerance and pluralism within the programmes and activities being implemented as part of the United Nations Decade for Human Rights Education (1995-2004), the International Decade of the World's

Indigenous People (1994-2003) and the Third Decade to Combat Racism and Racial Discrimination (1993-2002), and in the context of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the preparations for the twentieth anniversary of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

(*c*) To advise or assist countries, upon request, through the programme of advisory services and technical cooperation, to put in place effective safeguards, including appropriate legislation, to guarantee the full enjoyment of all human rights by all segments of their population, without discrimination of any kind;

4. Calls upon the High Commissioner and her Office to include details of activities undertaken by the Office to implement the present resolution in her report to the Commission at its fifty-eighth session;

5. Also calls upon the relevant mechanisms of the Commission:

(*a*) To continue to attach the highest priority to the effective promotion, at the national and international levels, of the values of democracy, pluralism and tolerance;

(*b*) To further study situations and conditions that promote intolerance;

(*c*) To continue efforts aimed at identifying commonly accepted principles and best practices to promote tolerance and pluralism;

6. Welcomes the role of civil society, particularly non-governmental organizations working at the grass-roots level, in disseminating the importance of tolerance and pluralism through their awareness-raising activities;

7. Decides to consider this question at its fifty-eighth session under the appropriate agenda item.

62nd meeting
25 April 2000
[Adopted without a vote. See chap. XIV.]

2000/51. Human rights of persons with disabilities

The Commission on Human Rights,

Mindful of the pledge made by States, under the Charter of the United Nations, to take action jointly and separately, in cooperation with the United Nations, in order to promote a better quality of life, full employment, and conditions for economic and social progress and development,

Recalling that all persons with disabilities have the right to protection against discrimination and to full and equal enjoyment of their human rights, as laid down, *inter alia*, in the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and International Labour Organization Convention No. 159 (1983) concerning Vocational Rehabilitation and Employment (Disabled Persons),

Recalling also the report of the Secretary-General to the General Assembly on the third quinquennial review and appraisal of the World Programme of Action concerning Disabled Persons (A/52/351),

Reaffirming the continuing validity and value of the World Programme of Action, adopted by the General Assembly at its thirty-seventh session, which provides a firm and innovative framework for promoting and protecting the human rights of persons with disabilities,

Mindful of the unreserved reaffirmation in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) and by the Fourth World Conference on Women held in Beijing in September 1995 of the human rights and fundamental freedoms of persons with disabilities, as well as the recognition in the Programme of Action of the

International Conference on Population and Development held in Cairo in September 1994 and the Programme of Action of the World Summit for Social Development held in Copenhagen in March 1995 of a pressing need for, *inter alia*, the realization of the goals of full participation and equality for persons with disabilities,

Reaffirming its resolution 1998/31 of 17 April 1998 on the human rights of persons with disabilities,

Recalling General Assembly resolution 48/96 of 20 December 1993, by which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Noting the final report of the Special Rapporteur of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (E/CN.5/2000/3 and Corr.1, annex),

Reaffirming Economic and Social Council resolutions 1997/19 of 21 July 1997 on equalization of opportunities for persons with disabilities and 1997/20 of 21 July 1997 on children with disabilities,

Recalling General Assembly resolution 52/107 of 12 December 1997, in which the Assembly called for the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities,

Welcoming initiatives to hold international conferences relating to persons with disabilities, including the holding of the Sixth World Assembly of Disabled People's International in Japan in 2002,

Re-emphasizing the responsibility of Governments for removing or facilitating the removal of barriers and obstacles to the full integration and participation of persons with disabilities in society, and supporting their efforts to develop national policies to reach specific objectives, Recognizing the contribution of non-governmental organizations, especially organizations of persons with disabilities, in the global effort to bring about full participation and equality for persons with disabilities and to ensure the full enjoyment of human rights by persons with disabilities,

Recalling the reports of Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, and the Office of the United Nations High Commissioner for Human Rights publication *Human Rights and Disabled Persons*, in which international mechanisms for the promotion and protection of the human rights of persons with disabilities, such as an ombudsman, are proposed,

Recalling also the International Labour Organization survey of the law and practice of States parties to Convention No. 159,

Noting with interest the adoption by the Organization of American States of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities on 7 June 1999 as one good example of regional concern and action,

Also noting with interest the changes brought about by the Treaty of Amsterdam 1997 enabling the European Union to adopt appropriate measures to combat discrimination on the grounds, *inter alia*, of disability,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines, particularly among civilian populations,

1. Recognizes that any violation of the fundamental principle of equality or any discrimination or other negative differential treatment of persons with disabilities inconsistent with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities is an infringement of the human rights of persons with disabilities;

2. Calls upon the Secretary-General to maintain the integrity of programmes within the United Nations system relating to persons with disabilities, including the United Nations Voluntary Fund on Disability, in order to promote the rights and the equalization of opportunities and full inclusion within societies of persons with disabilities;

3. Notes with appreciation the valuable work undertaken by the Special Rapporteur on disability of the Commission for Social Development as recommended in a resolution of that Commission;

4. Invites the Special Rapporteur of the Commission for Social Development to address the Commission on Human Rights at its fifty-eighth session;

5. Takes note of the third global survey undertaken by the office of the Special Rapporteur on disability in collaboration with the World Health Organization;

6. Calls upon States to cooperate fully with the Special Rapporteur, to meet his requests for information and to provide relevant data to the Committee on Economic, Social and Cultural Rights;

7. Encourages non-governmental organizations active in the promotion and protection of the human rights of persons with disabilities to cooperate closely with each other and to provide relevant information to the Committee on Economic, Social and Cultural Rights and to the Office of the United Nations High Commissioner for Human Rights;

8. Also encourages such non-governmental organizations to avail themselves of the technical assistance of the Office of the High Commissioner to assist them to function effectively in the human rights sphere;

9. Encourages Governments to support non-governmental organizations active in the promotion and protection of the human rights of persons with disabilities in accordance with Rule 18of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

10. Recognizes the right of persons with disabilities, individually and collectively, to form and become members of organizations of persons with disabilities and the right of such organizations to speak for and act as legitimate representatives of their members;

11. Invites all the human rights treaty monitoring bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure full enjoyment of those rights by persons with disabilities, and urges Governments to cover fully the question of the human rights of persons with disabilities in complying with reporting obligations under the relevant United Nations human rights instruments;

12. Invites all special rapporteurs, in carrying out their mandates, to take into account the situation and human rights of persons with disabilities;

13. Urges Governments to implement, with the cooperation and assistance of relevant organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, having particular regard for the needs of women, children and persons with developmental and psychiatric disabilities in order to guarantee their human dignity and integrity;

14. Invites Governments and the private sector to contribute to the United Nations Voluntary Fund on Disability, with a view to providing additional support for the implementation of the Standard Rules, within the context of the World Programme of Action concerning Disabled Persons;

15. Requests the Secretary-General to continue to ensure appropriate support for the effective functioning of the Long-Term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond;

16. Expresses grave concern that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities;

17. Welcomes increased international efforts in various forums with respect to anti-personnel mines, and in this regard takes due note of the conclusion and entry into force of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, as well as of the amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;

18. Calls upon all States and relevant United Nations bodies, including the Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine-clearance efforts, and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and rehabilitation, thereby reducing the number and the plight of victims;

19. Encourages the development of programmes for persons with disabilities to enable them to develop their potential to participate fully in all aspects of society;

20. Requests the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities;

21. Also requests the Secretary-General to make available to the Commission at its fifty-seventh session the latest report of the Special Rapporteur on disability of the Commission for Social Development on his monitoring of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

22. Calls upon the United Nations Development Programme and all intergovernmental institutions for development cooperation to integrate disability measures into their mainstream activities;

23. Requests that all United Nations bodies and specialized agencies address the problems that exist in creating equal opportunities for persons with disabilities at all levels;

24. Encourages Governments to work towards developing appropriate education policies and practices for children and adults with disabilities, to include persons with disabilities in strategies and plans aimed at eradicating poverty, promoting education and enhancing employment, and to take account of the right of persons with disabilities to housing, shelter, transport and supportive equipment;

25. Invites the International Labour Organization, in cooperation with Governments and intergovernmental bodies, to take the lead internationally in formulating policies and strategies that will lead to equal job opportunities;

26. Invites Governments and non-governmental organizations to collect and collate appropriate information and data on persons with disabilities to assist in the formulation of effective policies to address issues of equality;

27. Recommends that the Office of the United Nations High Commissioner for Human Rights take account of information on legislation affecting the human rights of persons with disabilities which has been collected by the Special Rapporteur on disability of the Commission for Social Development;

28. Invites multilateral development agencies, in the light of the Standard Rules on the Equalization of Opportunities for People with Disabilities, to pay due regard to the question of access and related disability rights issues in connection with the projects they sponsor and fund;

29. Reaffirms its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in all aspects of society continue to be addressed in all of its work;

30. Invites the United Nations High Commissioner for Human Rights, in cooperation with the Special Rapporteur on disability of the Commission for Social

Development, to examine measures to strengthen the protection and monitoring of the human rights of persons with disabilities and to solicit input and proposals from interested parties, including particularly the panel of experts;

31. Decides to continue its consideration of this question at its fifty-eighth session under the same agenda item.

62nd meeting
25 April 2000
[Adopted without a vote. See chap. XIV.]

2000/52. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the Assembly on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Commission resolution 1995/24 of 3 March 1995 and Economic and Social Council decision 1998/246 of 30 July 1998,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities, Acknowledging that national or ethnic, religious and linguistic minorities contribute to the diversity of societies and that minority rights promote tolerance within societies, and recognizing that promoting a culture of tolerance through human rights education shall be advanced by all States,

Concerned at the growing frequency and severity of disputes and conflicts regarding minorities in many countries, and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement through, *inter alia*, population transfers, refugee flows and forced relocation,

Concerned also at instances of victimization or marginalization of persons belonging to minorities in situations of political or economic instability,

Taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 1999/23 of 26 August 1999 on prevention of discrimination against and the protection of minorities,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, *inter alia*, taking due account of and giving effect to the Declaration,

1. Takes note of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/2000/79) and of the report of the Working Group on Minorities on its fifth session (E/CN.4/Sub.2/1999/21), in particular the conclusions and recommendations contained therein;

2. Reaffirms the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of the country;

4. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

5. Recommends that the human rights treaty bodies, when considering reports submitted by States parties, give particular attention to the implementation of articles relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities;

6. Calls upon special representatives, special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities;

7. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities and to include in his report to its fifty-seventh session information on relevant projects and activities in this regard;

8. Calls upon the High Commissioner to continue to promote, within her mandate, the implementation of the Declaration and to engage in a dialogue with Governments concerned for that purpose;

9. Invites the High Commissioner to continue her efforts to improve the coordination and cooperation of United Nations programmes and agencies active in the field of the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, and invites the United Nations

programmes and agencies to continue to give attention within their respective mandates to situations of minorities;

10. Takes note of the holding of expert seminars, in accordance with the recommendations of the Working Group on Minorities, on the effective participation of minorities from 30 April to 2 May 1999 in Flensburg, Germany, and on intercultural and multicultural education from 29 September to 2 October 1999 in Montreal, Canada;

11. Also takes note of the emphasis by the Working Group on Minorities regarding the participation by minorities and the work on a manual on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

12. Requests the Working Group, within its mandate, to contribute to, and participate in, the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and to intensify its activities in this regard;

13. Requests the Secretary-General to provide the Working Group, from within existing resources, with all the necessary services and facilities to fulfil its mandate;

14. Calls upon States, intergovernmental organizations, United Nations bodies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

15. Also calls upon States to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to minorities in the work of the Working Group on Minorities, and invites the High Commissioner for Human Rights to seek voluntary contributions in this regard;

16. Invites the Office of the United Nations High Commissioner for Human Rights to consider favourably the recommendation of the Working Group to

organize a seminar for representatives of international and regional organizations, treaty bodies and specialized agencies, to discuss issues concerning their respective work on the protection of minorities, improve coordination so as to reduce duplication and parallel activities, exchange information and seek ways of better protecting the rights of persons belonging to minorities;

17. Requests the Secretary-General to report to the Commission at its fifty-seventh session on the implementation of the present resolution;

18. Decides to continue its consideration of this question at its fifty-seventh session under the same agenda item.

63rd meeting
25 April 2000
[Adopted without a vote. See chap. XIV.]

2000/53. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who receive inadequate protection and assistance, and conscious of the serious challenge this is creating for the international community,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community to explore methods and means better to address their protection and assistance needs,

Recalling the relevant norms of international human rights instruments, international humanitarian law and refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific rights for their protection, in particular through the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), Recalling also its previous relevant resolutions, in particular resolution 1999/47 of 27 April 1999, and General Assembly resolution 54/167 of 17 December 1999, as well as the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), regarding the need to develop global strategies to address the problem of internal displacement,

Recalling further that the Economic and Social Council in its agreed conclusions 1998/2 of 28 July 1998 on the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action commended the efforts of the Representative of the Secretary-General for internally displaced persons to promote a comprehensive strategy that focuses on prevention, as well as better protection, assistance and development for internally displaced persons,

Recalling in particular Economic and Social Council agreed conclusions 1998/1 of 17 July 1998 on special economic, humanitarian and disaster relief assistance, in which the Council noted with satisfaction the designation of the Emergency Relief Coordinator as the focal point for inter-agency coordination of humanitarian assistance to internally displaced persons and also noted the adoption by the Inter-Agency Standing Committee of the Guiding Principles on Internal Displacement,

Recalling also Economic and Social Council agreed conclusions 1999/1 of 23 July 1999 on special economic, humanitarian and disaster relief assistance, in which the Council called on all States to apply international norms with regard to internally displaced persons, called for further strengthening and coordinating of international efforts for those persons and welcomed the efforts of the Representative of the Secretary-General, the Emergency Relief Coordinator and the members of the Inter-Agency Standing Committee in this regard,

Noting the growing interest of the international community in the issue of internally displaced persons and the decision of the Economic and Social Council to address this issue in the context of the humanitarian segment at its substantive session in 2000, Noting also the recommendations concerning internally displaced persons contained in the report of the Secretary-General on the protection of civilians in armed conflict (S/1999/957),

Recalling the statement by the President of the the Security Council of 13 January 2000 (S/PRST/2000/1) which emphasized that national authorities have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction,

Deploring practices of forced displacement, in particular "ethnic cleansing" and forced relocations, and the negative impact they constitute for the enjoyment of fundamental human rights by large groups of populations,

Noting the work of the Representative of the Secretary-General in developing a legal framework, in particular the compilation and analysis of legal norms and the development of guiding principles; analysing institutional arrangements; undertaking dialogue with Governments; and issuing a series of reports on particular country situations together with proposals for remedial measures,

Welcoming the cooperation established between the Representative of the Secretary-General and the United Nations as well as other international and regional organizations, in particular the participation of the Representative in the work of the Inter-Agency Standing Committee and its subsidiary bodies, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

1. Takes note with appreciation of the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/2000/83 and Adds.1-3);

2. Expresses its appreciation to the Representative of the Secretary-General for the activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play to raise the level of consciousness about the plight of internally displaced persons;

3. Also expresses its appreciation to those Governments and intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and have supported the work of the Representative of the Secretary-General;

4. Commends the Representative of the Secretary-General for his efforts to promote a comprehensive strategy that focuses on prevention, as well as better protection, assistance and development for internally displaced persons;

5. Encourages the Representative of the Secretary-General through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations;

6. Welcomes the fact that the Representative of the Secretary-General has made use of the Guiding Principles on Internal Displacement in his dialogue with Governments and intergovernmental and non-governmental organizations, and requests him to continue his efforts in that regard;

7. Notes with appreciation that United Nations agencies, regional and non-governmental organizations are making use of the Guiding Principles in their work, encourages the further dissemination and application of the Guiding Principles, expresses its appreciation for the dissemination and promotion of the Guiding Principles at regional and other seminars on displacement and encourages the Representative to continue to initiate or support such seminars in consultation with regional organizations, intergovernmental and non-governmental organizations and other relevant institutions;

8. Welcomes the specific attention paid by the Representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and his commitment to pay more systematic

and in-depth attention to the specific needs of women and children and to the strategies for addressing such concerns, and welcomes in this regard the expert meeting on gender dimensions of internal displacement hosted by the United Nations Children's Fund in June 1999 and the paper on the same subject presented to the Inter-Agency Standing Committee;

9. Thanks Governments which have invited the Representative of the Secretary-General to visit their countries and encourages them to follow up on his recommendations and suggestions and to make available information on measures taken thereon;

10. Calls upon all Governments to facilitate the activities of the Representative of the Secretary-General, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the Representative;

11. Also calls upon Governments to provide, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations to provide protection and assistance to internally displaced persons, including by further improving access to internally displaced persons;

12. Stresses the importance of appropriate follow-up to the recommendations of the Representative by Governments as well as by the relevant parts of the United Nations system in the Inter-Agency Standing Committee, including at the country level;

13. Also stresses the need to further strengthen inter-agency arrangements with regard to internally displaced persons that are predictable, characterized by accountability within the United Nations system, universal in their application and equipped to meet the immense humanitarian challenge, and calls upon States to provide adequate resources for programmes to assist and protect internally displaced persons;

14. Welcomes the development of frameworks of cooperation to address the needs of internally displaced persons, in particular the designation of the Emergency Relief Coordinator as the focal point for inter-agency coordination of humanitarian assistance to internally displaced persons, the appointment of an adviser on internally displaced persons within the Office for the Coordination of Humanitarian Affairs and the designation of focal points on internally displaced persons within some of the other international organizations, and encourages the Representative of the Secretary-General, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs, the United Nations Development Programme, the United Nations Children's Fund, the World Food Programme, the World Health Organization, the International Organization for Migration, the International Committee of the Red Cross and all other relevant humanitarian assistance and development organizations, including non-governmental organizations, further to enhance their collaboration;

15. Also welcomes the ongoing review of the Inter-Agency Standing Committee and its members of their policies and programmes concerning internally displaced persons, including through the adoption of a policy paper on the protection of internally displaced persons, the *Handbook for Applying the Guiding Principles on Internal Displacement*, the *Manual on Field Practice in Internal Displacement* and supplementary guidance to humanitarian/resident coordinators on their responsibilities in relation to internally displaced persons, underlines the need for these organizations to strengthen their capacities and policies in addressing internal displacement and urges stronger collaborative arrangements both at headquarters and in the field in order to close remaining gaps relating to protection, assistance and solutions for internally displaced persons;

16. Notes with appreciation the increased attention paid to internally displaced persons in the consolidated inter-agency appeals process and encourages further efforts to improve the integration of internal displacement in consolidated appeals;

17. Welcomes the establishment of the global internally displaced persons database, as advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources;

18. Also welcomes the initiatives undertaken by regional organizations, such as the Organization of African Unity, the Organization of American States and the Organization for Security and Co-operation in Europe, to address the assistance, protection and development needs of internally displaced persons and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

19. Further welcomes the attention paid by relevant special rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and make them available to the Representative of the Secretary-General;

20. Calls upon the United Nations High Commissioner for Human Rights to develop projects, in cooperation with Governments, relevant international organizations and the Representative of the Secretary-General, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation, and to include in her report to the Commission information on their implementation;

21. Requests the Secretary-General to disseminate resolution 1998/26 of 26 August 1998 of the Sub-Commission on the Promotion and Protection of Human Rights on housing and property restitution in the context of the return of refugees and internally displaced persons;

22. Also requests the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate

effectively, and encourages the Representative of the Secretary-General to continue to seek the contribution of States, relevant organizations and institutions in order to put the work of the Representative on a more stable basis;

23 Requests the Representative of the Secretary-General to continue to report on his activities, to the General Assembly and to the Commission on Human Rights;

24. Decides to continue its consideration of the question of internal displacement at its fifty-seventh session.

63rd meeting
25 April 2000
[Adopted without a vote. See chap. XIV.]

2000/54. Violence against women migrant workers

The Commission on Human Rights,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women, the Commission on Crime Prevention and Criminal Justice and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women,

Reaffirming the outcomes of the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, specifically as they pertain to women migrant workers,

Emphasizing the need for accurate, objective, comprehensive and comparable information, as well as for a wide and systematic exchange of experiences and lessons learned by individual countries in protecting and promoting the rights and welfare of women migrant workers for policy formulation and joint action, Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, *inter alia*, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security to their citizens,

Deeply concerned over the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Recognizing the importance of continued cooperation at the bilateral, regional and international levels in protecting and promoting the rights and welfare of women migrant workers,

1. Takes note of the report of the Secretary-General on violence against women migrant workers (E/CN.4/2000/76);

2. Welcomes the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2000/82), particularly the observations made on violence against women migrant workers, and encourages her to continue addressing the issue of violence against women migrant workers, in particular the problem of gender-based violence and of discrimination;

3. Takes note with appreciation of the workshop-seminar on migrant women, boys and girls held in San Salvador on 25 and 26 February 2000 as part of the Plan of Action of the Regional Conference on Migration;

4. Calls upon concerned Governments, particularly those of countries of origin and destination, if they have not done so, to put in place penal sanctions to

punish perpetrators of violence against women migrant workers and, to the extent possible, to provide the victims of violence with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelters and other measures that will allow them to be present during the judicial process, to safeguard their dignified return to the country of origin as well as to establish reintegration and rehabilitation schemes for returning women migrant workers;

5. Invites the States concerned, specifically countries of origin and destination, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers in violation of their human dignity;

6. Encourages States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926;

7. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-eighth session a comprehensive follow-up report on the problem of violence against women migrant workers, taking into account the views of States and based on all available information from authorities and bodies within the United Nations system, intergovernmental organizations and other sources, including non-governmental organizations;

8. Decides to continue its consideration of this question at its fifty-eighth session under the appropriate agenda item.

63rd meeting
25 April 2000
[Adopted without a vote. See chap. XIV.]

2000/55. Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children,

Recalling its previous relevant resolutions, in particular resolution 1998/49 of 17 April 1998, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes leading to the mass exodus and displacement of people,

Taking note of the report of the Secretary-General on the protection of civilians in armed conflict (A/54/619 and S/1999/957) and the recommendations made therein, as well as Security Council resolutions 1265 (1999) of 17 September 1999 on the protection of civilians in armed conflict and 1261 (1999) of 25 August 1999 on children in armed conflict, and relevant statements by the President of the Security Council,

Recalling all relevant human rights standards, including the Universal Declaration of Human Rights, the principles of international protection for refugees and the General Conclusion on international protection adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fiftieth session in October 1999, and that asylum applicants should have access to fair and expeditious status-determination procedures,

Stressing the importance of adherence to international humanitarian, human rights and refugee law in order to avert mass exoduses and displacements and to protect refugees and internally displaced persons, and expressing its deep concern at the lack of respect for those laws and principles, especially during armed conflict, *inter alia,* the denial of full, safe and unimpeded access to displaced persons,

Reaffirming the primary responsibility of States to ensure the protection of refugees and internally displaced persons within their own territories, including by uphoiding the security and civilian and humanitarian nature of camps and settlements for refugees and internally displaced persons,

Welcoming the entry into force on 15 January 1999 of the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly in its resolution 49/59 of 9 December 1994, encouraging States to become parties to the Convention, and strongly condemning attacks and the use of force against United Nations and associated personnel, as well as personnel of humanitarian organizations, including locally engaged staff,

Recognizing the contribution of the establishment of the International Criminal Court to ending impunity for perpetrators of certain crimes, including deportation or forcible transfer of population, as defined in the Rome Statute of the Court (A/CONF.183/9), which lead to, or result from, mass exoduses and displacements,

Recognizing also that the human rights machinery of the United Nations, including the mechanisms of the Commission and the human rights treaty bodies, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Recognizing further the complementarity between the systems for the protection of human rights and for humanitarian action, in particular the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, as well as the work of the Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General for children and armed conflict, and that cooperation between them, in accordance with their respective mandates, as well as coordination between the human rights, political and security components of United Nations operations, make important contributions to the promotion and protection of human rights of persons forced into mass exodus and displacement,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees in meeting the protection and assistance needs of refugees worldwide and in working to make it possible for refugees to exercise their fundamental right to return to and to stay in their own countries in safety and dignity,

1. Calls upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, gender, age, religion or language and thus to make a substantial contribution to addressing human rights situations that lead to mass exoduses and displacements;

2. Takes note with interest of the report of the United Nations High Commissioner for Human Rights on human rights and mass exoduses (E/CN.4/2000/81);

3. Reaffirms the need for all Governments, intergovernmental bodies and concerned international organizations to intensify their cooperation and assistance in worldwide efforts to address human rights situations that lead to, as well as the serious problems that result from, mass exoduses of refugees and displaced persons;

4. Emphasizes the responsibility of all States and international organizations to cooperate with those countries, particularly developing countries, affected by mass exoduses of refugees and displaced persons, and calls upon Governments, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, other relevant parts of the United Nations system and other humanitarian organizations to continue to respond to assistance needs of countries hosting large numbers of refugees and displaced persons until durable solutions are found;

5. Encourages States that have not already done so to consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and to relevant regional instruments concerning refugees, as applicable, and other relevant international instruments of human rights and humanitarian law, and to take appropriate measures to disseminate and implement those instruments domestically in order to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee;

6. Calls upon States to ensure effective protection of refugees by, *inter alia*, respecting the principle of non-refoulement;

7. Also calls upon States to ensure effective protection of, and assistance to, refugees and internally displaced persons, consistent with international law, including by ensuring full, safe and unhindered access by humanitarian workers to displaced populations and ensuring the security and civilian and humanitarian nature of camps and settlements for refugees and internally displaced persons;

8. Recognizes that women and children constitute the majority of most refugee and displaced populations and that, in addition to the problems they share with all refugees and displaced persons, women and girls in such circumstances are vulnerable to persecution, gender-based discrimination and gender-specific violations of human rights, and calls upon States to protect and promote and respect the human rights of all refugees and displaced persons, in particular refugee and displaced women and children, to ensure that their particular needs are met and to ensure that women are full and equal participants in the planning, design, implementation, monitoring and evaluation of all projects and programmes;

9. Calls upon all States to promote conditions conducive to the voluntary return of refugees in safety and with dignity;

10. Welcomes in particular the efforts of the United Nations High Commissioner for Human Rights to contribute to the creation of an environment for a viable and sustainable return of refugees and displaced persons in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of independent national institutions capable of defending human rights and broad-based programmes of human rights education and the strengthening of local non-governmental organizations through field presences and programmes of advisory services and technical cooperation;

11. Encourages the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, other relevant components of

the United Nations system, other humanitarian organizations and regional organizations to continue to cooperate within their respective mandates and in accordance with international law in the creation of an environment for a viable and sustainable return of refugees and displaced persons in post-conflict societies;

12. Requests the United Nations High Commissioner for Human Rights, in the exercise of her mandate and in cooperation with the High Commissioner for Refugees and the Representative of the Secretary-General on internally displaced persons, to pay particular attention to human rights situations which cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively through promotion and protection measures, emergency preparedness and response mechanisms, early warning and information-sharing, technical advice and expertise and cooperation in countries of origin as well as host countries;

13. Encourages all United Nations bodies, including the human rights treaty bodies, acting within their mandates, and the specialized agencies, as well as governmental, intergovernmental and non-governmental organizations, and the special rapporteurs, special representatives and working groups of the Commission to pay particular attention to, and to provide the United Nations High Commissioner for Human Rights with all relevant information in their possession on, human rights situations that create or affect refugees and displaced persons for appropriate action in fulfilment of her mandate in consultation with the High Commissioner for Refugees and the Representative of the Secretary-General;

14. Welcomes with appreciation the ongoing contributions of the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and the Representative of the Secretary-General to the deliberations of the Commission and to other international human rights bodies and mechanisms, invites them to exchange relevant information on mass exoduses and displacements with all United Nations bodies, including the human rights treaty bodies, acting within their mandates, and invites the United Nations High Commissioner for Refugees to address the Commission at each of its future sessions;

15. Requests the United Nations High Commissioner for Human Rights to prepare and submit to the Commission at its fifty-ninth session, within existing resources, a report on measures taken to implement the present resolution and obstacles to its implementation, including information on measures taken by the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations bodies, taking into account information and comments provided by Governments, intergovernmental organizations, specialized agencies and non-governmental organizations;

16. Decides to continue its consideration of this question at its fifty-ninth session under the sub-item "Mass exoduses and displaced persons" of the agenda item entitled "Specific groups and individuals".

63rd meeting
25 April 2000
[Adopted without a vote. See chap. XIV.]

2000/56. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

The Commission on Human Rights,

Recalling its previous resolutions on the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People, in particular resolution 1997/32 of 11 April 1997,

Recalling also Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people, Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Mindful of the decision by the General Assembly in its resolution 49/214 of 23 December 1994 to observe the International Day of the World's Indigenous People on 9 August every year,

I. REPORT OF THE WORKING GROUP ON INDIGENOUS POPULATIONS OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

1. Takes note of the report of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54) and of the report of the Working Group on its seventeenth session (E/CN.4/Sub.2/1999/19);

2. Urges the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, and welcomes its proposal to highlight specific themes of the International

Decade of the World's Indigenous People at its future sessions, noting that at its eighteenth session the Working Group will focus on the theme of "Indigenous children and youth";

3. Again invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. Recommends that the Economic and Social Council authorize the Working Group to meet for five working days prior to the fifty-second session of the Sub-Commission;

5. Invites the Working Group to continue its consideration of ways in which the expertise of indigenous people can contribute to the work of the Working Group, and encourages initiatives by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. Requests the Secretary-General:

(*a*) To provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(*b*) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

7. Appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the United Nations Voluntary Fund for Indigenous Populations;

II. INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

8. Takes note of the report of the United Nations High Commissioner for Human Rights on the implementation of the programme of activities for the International Decade of the World's Indigenous People (E/CN.4/2000/85);

9. Invites the Working Group on Indigenous Populations to continue its review of activities undertaken during the Decade, and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. Welcomes the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people and its recognition that among the important objectives of the Decade is the consideration of the establishment of a permanent forum for indigenous people in the United Nations system;

11. Requests the High Commissioner, in her capacity as Coordinator of the Decade, to submit an updated annual report reviewing activities within the United Nations system under the programme of activities for the Decade to the Commission on Human Rights at its fifty-seventh session under the agenda item entitled "Indigenous issues", in accordance with the request by the General Assembly to the Secretary-General;

12. Notes that, in her report, the High Commissioner, in her capacity as Coordinator of the Decade , reviews the implementation of the programme of activities of the Decade takes note of the information contained therein about the activities of the United Nations system, including the specialized agencies, and other

intergovernmental activities relating to indigenous people and urges all parties concerned to intensify their efforts to achieve the goals of the Decade;

13. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

14. Appeals to all Governments, organizations and individuals in a position to do so to support the Decade by contributing to the United Nations Voluntary Fund for the International Decade of the World's Indigenous People;

15. Encourages Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by:

(*a*) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(*b*) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(*c*) Identifying resources for activities designed to implement the goals of the Decade;

16. Appeals to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

17. Encourages Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

18. Requests the High Commissioner to ensure that the indigenous people's unit in the Office of the United Nations High Commissioner for Human Rights is adequately staffed and resourced to enable the activities of the Decade to be effectively implemented;

19. Recommends that the High Commissioner, when developing programmes within the framework of the International Decade of the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the development of human rights training for indigenous people;

20. Encourages the High Commissioner to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

21. Invites the United Nations financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedure of their governing bodies:

(*a*) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(*b*) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(*c*) To designate focal points or other mechanisms for coordination with the High Commissioner of activities relating to the Decade;

22. Recommends that the situation of indigenous people be taken into account in forthcoming United Nations conferences of relevance, including the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", the special session of the Assembly entitled "World Summit for Social Development and Beyond: achieving social development for all in a globalizing world", the special session of the Assembly for the follow-up to the World Summit for Children, and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

23. Decides to consider the International Decade of the World's Indigenous People at its fifty-seventh session under the agenda item entitled "Indigenous issues".

63rd meeting
25 April 2000
[Adopted without a vote. See chap. XV.]

2000/57. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People, *Reaffirming in particular* that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

1. *Takes note* of the report of the working group (E/CN.4/2000/84) and welcomes the continuation and positive nature of the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. *Expresses its appreciation* for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedures set out in the annex to Commission resolution 1995/32;

3. *Welcomes* the decisions of the Council approving the participation of organizations of indigenous people in the work of the working group, and urges the

Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission resolution 1995/32;

4. Recommends that the working group meet for ten working days prior to the fifty-seventh session of the Commission, the cost of the meeting to be met from within existing resources;

5. Invites the Chairman-Rapporteur of the working group and all interested parties to conduct broad informal inter-sessional consultations with a view to facilitating progress in drafting a declaration on the rights of indigenous people at the next session of the working group;

6. Encourages organizations of indigenous people which are not already registered to participate in the working group and which wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

7. Requests the working group to submit a progress report for consideration by the Commission at its fifty-seventh session under the agenda item entitled "Indigenous issues";

8. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 32.]

63rd meeting
25 April 2000
[Adopted without a vote. See chap. XV.]

2000/58. Situation in the Republic of Chechnya of the Russian Federation

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Geneva Conventions of 12 August 1949, in particular common article 3 thereof, and Additional Protocol II thereto, of 8 June 1977, as well as other instruments of international humanitarian law,

Recalling the provisions of the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in particular part I, paragraph 4, thereof,

Recalling that the Russian Federation is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other regional human rights instruments, such as the European Convention on Human Rights,

Recalling also that the Russian Federation is a party to the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto,

Recalling the earlier statements on the subject by the Chairperson of the Commission of 27 February 1995 and 24 April 1996,

Gravely concerned by the continued violence in the Republic of Chechnya of the Russian Federation, in particular reports indicating disproportionate and indiscriminate use of Russian military force, including attacks against civilians, which has led to a serious humanitarian situation,

Gravely concerned also at reports of attacks against civilians and serious crimes and abuses committed by Chechen fighters, Deeply concerned at reports that gross, widespread and flagrant violations of human rights have been committed in the region, notably in the alleged "camps of filtration",

Underlining the need to respect the principle of proportionality and to observe international human rights and humanitarian law in situations of conflict and in activities undertaken against terrorism,

Deploring the high number of victims and displaced persons and the suffering inflicted on the civilian population by all parties, including the serious and systematic destruction of installations and infrastructure, contrary to international humanitarian law,

Expressing concern about the spill-over effect of the conflict to neighbouring republics of the Russian Federation,

Noting the appointment by the Government of the Russian Federation of a presidential representative for human rights in Chechnya and the establishment of his office in the Republic, which should increase transparency and action on alleged human rights violations,

Welcoming the cooperation on the part of the Russian Federation with the Council of Europe, including the visits of the Council's Commissioner for Human Rights and the signature of a memorandum of understanding between the Russian authorities and the Council and the acceptance of three representatives of that organization in the office of the presidential representative, and noting the report by the European Committee for the Prevention of Torture in the Northern Caucasus,

Also welcoming the fact that the Russian authorities have reached a preliminary agreement with the International Committee of the Red Cross on free access to Russian detention camps,

Noting the visit to the Russian Federation by the United Nations High Commissioner for Human Rights,

1. Welcomes the oral report of the High Commissioner;

2. Calls upon all parties to the conflict to take immediate steps to halt the hostilities and the indiscriminate use of force and to begin without delay the holding of a political dialogue and effective negotiations with the aim of achieving a peaceful solution to the crisis, which fully respects the territorial integrity and the Constitution of the Russian Federation;

3. Supports the requests made by the United Nations High Commissioner for Human Rights, the Secretary-General of the Council of Europe and the Chairman-in-Office of the Organization for Security and Co-operation in Europe for international involvement, and urges the Government of the Russian Federation to agree to the requests of those organizations to deploy staff in the region in line with their mandates;

4. Calls upon the Government of the Russian Federation to establish urgently, according to recognized international standards, a national, broad-based and independent commission of inquiry to investigate promptly alleged violations of human rights and breaches of international humanitarian law committed in the Republic of Chechnya in order to establish the truth and identify those responsible, with a view to bringing them to justice and preventing impunity;

5. Requests the Russian Federation to disseminate, and ensure that the military at all levels has a knowledge of, basic principles of human rights and international humanitarian law;

6. Requests the relevant special rapporteurs and working groups of the Commission, i.e. the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on violence against women, the Special Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General for children and armed conflict, to undertake missions to the Republic of Chechnya

and neighbouring republics without delay, and asks them to submit reports to the Commission and to the General Assembly as soon as possible;

7. Requests the High Commissioner to facilitate their tasks;

8. Urges the Government of the Russian Federation to cooperate with the special mechanisms of the Commission and, in particular, to give favourable consideration to the requests already presented to undertake visits in the region as a matter of priority;

9. Also urges the Government of the Russian Federation to allow international humanitarian organizations, notably the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, free and secure access to areas of internally displaced and war affected populations in the Republic of Chechnya and neighbouring republics, in accordance with international humanitarian law, and to facilitate their activities and the delivery of humanitarian aid to the victims in the region;

10. Calls upon the Government of the Russian Federation to give free and effective access in the Republic of Chechnya by international and regional organizations, in particular the International Committee of the Red Cross, to all places of detention, notably in the alleged "camps of filtration", in order to ensure treatment of all detainees in conformity with international law;

11. Requests the High Commissioner for Human Rights to consult with the Government of the Russian Federation in order to ensure the implementation of the present resolution and to promote confidence-building measures based on respect for human rights and humanitarian law;

12. Welcomes the invitation extended by the Government of the Russian Federation to the High Commissioner for a return visit in two or three months;

13. Requests the High Commissioner to report on the implementation of the present resolution to the Commission at its fifty-seventh session and to keep the

Commission and the General Assembly informed on further developments as appropriate.

64th meeting
25 April 2000
[Adopted by a roll-call vote of 25 votes to 7,
with 19 abstentions. See chap. IX.]

2000/59. Question of draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography

The Commission on Human Rights,

Recalling its resolutions 1994/91 and 1994/90, of 9 March 1994, by which it established an open-ended inter-sessional working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflict, and an open-ended inter-sessional working group on the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale children, child prostitution and child pornography,

Recalling also its subsequent resolutions, in particular its resolution 1999/80 of 28 April 1999, in which it requested its open-ended inter-sessional working groups to meet early in 2000 in order to make further progress with the aim of finalizing their work before the tenth anniversary of the entry into force of the Convention, and to report to the Commission at its fifty-sixth session,

Recalling further that the General Assembly in its resolution 54/149 of 17 December 1999 strongly supported the work of the open-ended inter-sessional working groups and urged them to finalize their work before the tenth anniversary of the entry into force of the Convention,

Adhering to the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Reaffirming its commitment to strive for the promotion and protection of the rights of the child in all avenues of life,

Conscious of the tenth anniversaries, in the year 2000, of the World Summit for Children and the entry into force of the Convention, and of the symbolic and practical importance of the adoption of the two draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography before the special session of the General Assembly for the follow-up to the World Summit for Children, to be convened in 2001,

Recognizing that the adoption and implementation of the two draft optional protocols to the Convention will make a substantial contribution to the promotion and protection of the rights of the child,

1. Welcomes with appreciation the reports of the Open-ended inter-sessional working groups set up by the Commission on Human Rights to draft the two optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (E/CN.4/2000/74 and E/CN.4/2000/75), and in particular that the working groups were able to finalize their work and to submit the texts of the two draft optional protocols to the Commission on Human Rights at its fifty-sixth session;

2. Adopts the texts of the two draft optional protocols to the Convention on involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography, as contained in the annexes to the present resolution;

3. Calls upon all States which have signed or ratified or acceded to the Convention on the Rights of the Child, to sign and ratify or accede to the two optional protocols as soon as possible after they are adopted by the General Assembly;

4. Recommends that the two optional protocols, after adoption by the General Assembly, be open for early signature and ratification or accession: at the special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", to be convened from 5 to 9 June 2000 in New York; and thereafter at United Nations Headquarters, including at the special session of the Assembly, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", to be convened from 26 to 30 June 2000 in Geneva; and at the Millennium Summit of the United Nations, to be convened from 5 to 8 September 2000 in New York;

5. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution 2.]

65th meeting
26 April 2000
[Adopted without a vote. See chap. XIII.]

ANNEX A

Draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflict

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals,

Noting the adoption of the Rome Statute of the International Criminal Court and, in particular, the inclusion in the Statute of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities as a war crime in both international and non-international armed conflicts,

Considering therefore that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child, there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention, raising the age of possible recruitment of persons into armed forces and their participation in hostilities, will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth international Conference of the Red Cross and Red Crescent in December 1995 recommended, *inter alia*, that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Welcoming also the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, *inter alia*, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law, Stressing that this Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to this Protocol owing to their economic or social status or gender,

Mindful also of the necessity to take into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

Convinced of the need to strengthen international cooperation in implementation of this Protocol, as well as physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of information and education programmes concerning the implementation of the Protocol,

Have agreed as follows:

Article 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3

1. States Parties shall raise the minimum age in years for the voluntary recruitment of persons into their national armed forces from that set out in article 38.3 of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under 18 are entitled to special protection.

2. Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol which sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.

3. States Parties which permit voluntary recruitment into their national armed forces under the age of 18 shall maintain safeguards to ensure, as a minimum, that:

   - Such recruitment is genuinely voluntary;
   - Such recruitment is done with the informed consent of the person's parents or legal guardians;
   - Such persons are fully informed of the duties involved in such military service; and
   - Such persons provide reliable proof of age prior to acceptance into national military service.

4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.

5. The requirement to raise the age in paragraph 1 does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

Article 4

1. Armed groups, distinct from the armed forces of a State, should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.

3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law which are more conducive to the realization of the rights of the child.

Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction.

2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.

3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery, and their social reintegration.

Article 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation among concerned States parties and relevant international organizations.

2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes, or, *inter alia*, through a voluntary fund established in accordance with United Nations General Assembly rules.

Article 8

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child in accordance with article 44 of the Convention on the Rights of the Child any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.

Article 9

1. The present Protocol is open for signature by any State which is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification or open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States which have signed the Convention of each instrument of declaration pursuant to article 3, ratification or accession to the Protocol.

Article 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention on the Rights of the Child and all States which have signed the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act which occurs prior to the date at which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

Article 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments which they have accepted.

Article 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention on the Rights of the Child and all States which have signed the Convention.

ANNEX B

Draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the Convention recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

Gravely concerned at the significant and increasing international traffic of children for the purpose of the sale of children, child prostitution and child pornography,

Deeply concerned at the widespread and continuing practice of sex tourism to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography,

Recognizing that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation, and that girl children are disproportionately represented among the sexually exploited,

Concerned about the growing availability of child pornography on the Internet and other evolving technologies and recalling the International Conference on Combating Child Pornography on the Internet held at Vienna in 1999 and, in particular, its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance of closer cooperation and partnership between Governments and the Internet industry,

Believing that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking of children,

Believing that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and in the importance of strengthening global partnership among all actors, and of improving law enforcement at the national level,

Noting the provisions of international legal instruments relevant to the protection of children, including the Hague Convention on the Protection of Children and Co-operation with Respect to Intercountry Adoption, the Hague Convention on the Civil Aspects of Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children and International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

Recognizing the importance of the implementation of the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography adopted by the Commission on Human Rights in its resolution 1992/74 of 5 March 1992 and the Declaration and Agenda for Action of the World Congress against the Commercial Sexual Exploitation of Children held in Stockholm in 1996 and the other relevant decisions and recommendations of pertinent international bodies,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Have agreed as follows:

Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by this Protocol.

Article 2

For the purpose of the present Protocol:

SALE OF CHILDREN

(*a*) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;

CHILD PROSTITUTION

(*b*) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;

CHILD PORNOGRAPHY

(*c*) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose.

Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organized basis:

(*a*) In the context of sale of children as defined in article 2 (*a*):

(i) The offering, delivering, or accepting by whatever means a child for the purpose of:

- Sexual exploitation of the child;
- Transfer of organs of the child for profit;
- Engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(*b*) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2 (*b*); and

(*c*) Producing, distributing, disseminating, importing, exporting, offering, selling, or possessing for the above purposes, child pornography as defined in article 2 (*c*).

2. Subject to the provisions of a State Party's national law, the same shall apply to an attempt to commit any of these acts and to complicity or participation in any of these acts.

3. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of this article. Subject to the legal principles of the State Party, this liability of legal persons may be criminal, civil, or administrative.

5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

Article 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3.1, when the offences are commited in its territory or on board a ship or aircraft registered in that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3.1 in the following cases:

(*a*) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;

(*b*) When the victim is a national of that State.

3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the above-mentioned offences when the alleged offender is present in its territory and it does not extradite him to another State Party on the ground that the offence has been commited by one of its nationals.

4. This Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 5

1. The offences referred to in article 3.1 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties, and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in these treaties.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Protocol as a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.

5. If an extradition request is made with respect to an offence described in article 3.1 and if the requested State Party does not or will not extradite, on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

Article 6

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3.1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 7

States Parties shall, subject to the provisions of their national law:

(*a*) Take measures to provide for the seizure and confiscation, as appropriate, of:

- (i) Goods such as materials, assets and other instrumentalities used to commit or facilitate offences under the present Protocol
- (ii) Proceeds derived from such offences;

(*b*) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (i);

(*c*) Take measures aimed at closing on a temporary or definitive basis premises used to commit such offences.

Article 8

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(*a*) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;

(*b*) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;

(*c*) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;

(*d*) Providing appropriate support services to child victims throughout the legal process;

(*e*) Protecting as appropriate the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;

(*f*) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(*g*) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological, for the persons who work with child victims of the offences prohibited under the present Protocol.

States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of child victims of such offences.

5. Nothing in this article shall be construed as prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

Article 9

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes, to prevent the offences

referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to these practices.

2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration, and their full physical and psychological recovery.

4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

Article 10

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection , investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.

States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.

2. States Parties shall promote international cooperation to assist child victims for their physical and psychological recovery, social reintegration and repatriation.

3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the practices of sale, prostitution, pornography and child sex tourism.

4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

Article 11

Nothing in the present Protocol shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(*a*) The law of a State Party; or

(*b*) International law in force for that State.

Article 12

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child in accordance with article 44 of the Convention any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.

Article 13

1. The present Protocol is open for signature by any State which is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification or open to accession by any State which is a party to the Convention or has signed it. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

Article 14

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 15

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States which have signed the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Protocol in regard to any offence which occurs prior to the date at which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter which is already under

consideration by the Committee prior to the date at which the denunciation becomes effective.

Article 16

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments which they have accepted.

Article 17

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Protocol to all States Parties to the Convention and all States which have signed the Convention.

2000/60. Abduction of children from northern Uganda

The Commission on Human Rights,

Recalling its resolution 1999/43 of 26 April 1999,

Recalling the principles set out in the Universal Declaration of Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights,

Recalling also the findings and recommendations presented in the final report of the expert appointed by the Secretary-General on the impact of armed conflict on children (see A/51/306 and Add.1),

Recalling further the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which expressed concern about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled,

Recalling the obligation of States parties to respect and strictly observe international humanitarian law in accordance with the Geneva Conventions of 12 August 1949 for the protection of war victims, the Additional Protocols thereto of 1977 and other principles of international law,

Expressing profound concern at the continuing abduction, torture, detention, rape, enslavement and forced recruitment of children from northern Uganda,

1. Takes note of the report of the Secretary-General (E/CN.4/2000/69);

2. Condemns in the strongest terms the Lord's Resistance Army for the abduction, torture, killing, rape, enslavement and forcible recruitment of children in northern Uganda;

3. Demands the immediate cessation of all abductions and attacks on all civilian populations, in particular women and children, in northern Uganda by the Lord's Resistance Army;

4. Calls for the immediate and unconditional release and safe return of all abducted children currently held by the Lord's Resistance Army;

5. Requests the United Nations Voluntary Fund for Victims of Torture, established by the General Assembly in its resolution 36/151 of 16 December 1981, to provide assistance to the victims and their families suffering from the effects of torture inflicted by the Lord's Resistance Army;

6. Urges all Member States, international organizations, humanitarian bodies and all other concerned parties with any influence on the Lord's Resistance Army to exert all possible pressure on it to release, immediately and unconditionally, all children from northern Uganda;

7. Urges all parties supporting the continuation of abduction and detention of children by the Lord's Resistance Army to cease immediately all assistance to and collaboration with the rebel Army;

8. Welcomes the bilateral agreement between the Sudan and Uganda signed at Nairobi on 8 December 1999 by the Presidents of the two countries;

9. Reiterates the commitment made by the Sudan and Uganda to make a special effort to locate any abductees, especially children, who have been abducted in the past and to return them to their families;

10. Welcomes with appreciation the efforts exerted by the Governments of the Sudan and Uganda, complemented by the Special Representative of the Secretary-

General for children and armed conflict, the United Nations Children's Fund and non-governmental organizations, which resulted in the identification and reunification of many of those children with their families;

11. Requests the Office of the United Nations High Commissioner for Human Rights to undertake an assessment of the situation on the ground in the affected areas, including the needs of the victims, in full consultation with the relevant United Nations organizations and non-governmental organizations, and to report to the Commission at its fifty-seventh session;

12. Decides to continue its consideration of the question at its fifty-seventh session under the same agenda item.

65th meeting
26 April 2000
[Adopted without a vote. See chap. XIII.]

2000/61. Human rights defenders

The Commission on Human Rights,

Recalling General Assembly resolution 53/144 of 9 December 1998 by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Reiterating the importance of this Declaration and its promotion and implementation,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of all human rights and fundamental freedoms,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are often subjected to threats, harassment, insecurity, arbitrary detention and extrajudicial executions,

1. Welcomes the report of the Secretary-General (E/CN.4/2000/95) on ways for effective promotion and implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, submitted pursuant to Commission resolution 1999/66 of 28 April 1999;

2. Calls upon all States to promote and give effect to the Declaration;

3. Requests the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration; the main activities of the special representative shall be:

(*a*) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(*b*) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

(*c*) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations;

4. Urges all Governments to cooperate with and assist the Special Representative of the Secretary-General in the performance of his or her tasks and to furnish all information in the fulfilment of his or her mandate upon request;

5. Requests the Secretary-General to provide the Special Representative with all necessary assistance, in particular the staff and resources deemed necessary to fulfil his or her mandate;

6. Requests the Special Representative to submit annual reports on his/her activities to the Commission and to the General Assembly and to make any suggestions and recommendations enabling him or her better to carry out his or her tasks and activities;

7. Decides to consider this question at its fifty-seventh session under the agenda item entitled "Promotion and protection of human rights";

8. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 35.]

65th meeting
26 April 2000
[Adopted by a roll-call vote of 50 votes to none,
with 3 abstentions. See chap. XVII.]

2000/62. Promotion of the right to a democratic and equitable international order

The Commission on Human Rights,

Reaffirming the commitment of all Member States to the purposes and principles enshrined in the Charter of the United Nations,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter of the United Nations and international law, and particularly with full respect for the sovereignty and territorial integrity of States and non-use of force or the threat of force in international relations, Recalling the Preamble to the Charter of the United Nations, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Recalling the determination expressed in the Preamble of the Charter of the United Nations to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practise tolerance and good neighbourliness and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Considering the major changes taking place on the international scene and the aspirations of all the peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity,

Considering also that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, sex, language or religion,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Emphasizing that democracy is not only a political concept but also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society and effective participation by civil society are an essential part of the necessary foundations for the realization of social- and people-centred sustainable development,

Underlining that it is an ethical imperative for the international community to arrest and reverse the marginalization of several countries and to promote their expeditious enjoyment of the benefits of globalization and interdependence,

Resolved, on the eve of a new century and millennium, to take all measures within its power to secure a democratic and equitable international order,

1. Affirms that everyone is entitled to a democratic and equitable international order;

2. Also affirms that a democratic and equitable international order fosters the full realization of all human rights for all;

3. Further affirms that a democratic and equitable international order requires, *inter alia*, the realization of the following rights:

(*a*) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(*b*) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(*c*) The right of every human person and all peoples to development;

(*d*) The right of peoples to peace;

(*e*) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(*f*) The right to solidarity, by virtue of which all peoples and nations are entitled to international assistance in their efforts for the realization of the right to development, in particular in eradicating poverty, illiteracy and hunger, as well as in dealing with the consequences of emergency situations, such as natural disasters;

(*g*) The right of everyone to transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principles of full and equal participation in their respective decision-making mechanisms;

(*h*) The right to equal access to international public service for persons from all regions and countries, ensuring an equitable regional and gender-balanced representation;

(*i*) The right to a free, just, effective and balanced international information and communication order;

(*j*) The right of everyone to cultural cooperation, promoting and protecting the variety and diversity of cultures around the world;

(*k*) The right to a healthy environment for everyone;

(*l*) The right of everyone to equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;

(*m*) The right of everyone to ownership of the common heritage of mankind;

4. Stresses the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as the respect of national and regional particularities and various historical, cultural and religious backgrounds in the enhancement of international cooperation in the field of human rights;

5. Reaffirms that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

6. Recalls the proclamation by the Member States of the United Nations of their determination to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

7. Stresses the importance of international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular, correcting the inequalities in the flow of information to and from developing countries;

8. Reaffirms that the international community should devise ways and means to remove current obstacles and meet challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

9. Urges States to continue their efforts, through enhanced international cooperation, towards the creation of a democratic and equitable international order;

10. Requests human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights, the mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

11. Requests the United Nations High Commissioner for Human Rights to include in her report to the Commission at its fifty-seventh session progress made in the implementation of the present resolution;

12. Requests the Secretary-General to bring the present resolution to the attention of Member States, organs, bodies and other components of the United Nations system, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations and to disseminate it on the widest possible basis;

13. Decides to continue consideration of the matter at its fifty-seventh session under the same agenda item.

65th meeting
26 April 2000
[Adopted by a roll-call vote of 30 votes to 17,
with 6 abstentions. See chap. XVII.]

2000/63. Human rights and human responsibilities

Guided by the principles and purposes of the Charter of the United Nations, particularly its Article 1, paragraph 3, Inspired by the Universal Declaration of Human Rights as a common standard of achievement for all peoples and the commitment to promote its effective recognition and observance by progressive measures, national and international,

Recalling that human responsibilities were an integral part of the negotiating process leading to the Universal Declaration of Human Rights and are an integral part of the Universal Declaration itself, but have since been ignored,

Underscoring that other human rights instruments, while defining specific rights, also include human responsibilities,

Convinced, in an increasingly interdependent world, of the need to promote a culture of responsibility based on existing human rights norms and standards,

Mindful that such a culture of responsibility is the fundamental element in the promotion and protection of all human rights,

Bearing in mind that human rights are closely linked to human responsibilities and that both aim at human dignity,

1. Stresses the urgent need to give practical effect to the specific responsibilities defined in all human rights instruments;

2. Requests the Sub-Commission on the Promotion and Protection of Human Rights to undertake a study on the issue of human rights and human responsibilities and to submit an interim study to the Commission at its fifty-seventh session and a complete study to the Commission at its fifty-eighth session;

3. Decides to continue its consideration of this question at its fifty-seventh session under the same agenda item.

65th meeting
26 April 2000
[Adopted by a roll-call vote of 22 votes to 21,
with 10 abstentions. See chap. XVII.]

2000/64. The role of good governance in the promotion of human rights

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action (A/CONF.157/23), which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights,

Emphasizing that the strengthening of good governance at the national level, including through the building of effective and accountable institutions for promoting growth and sustainable human development, is a continuous process for all Governments regardless of the level of development of the countries concerned,

Noting that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level, rests with the State concerned,

Affirming the need for enhanced cooperation at the international level between States and through the United Nations system, to ensure that States needing external inputs in order to improve good governance activities have access, if and when required, to the necessary information and resources, Recognizing the need for a closer examination of the role of good governance for the promotion of human rights and the relationship between good governance practices and the promotion and protection of all human rights in all countries,

1. Recognizes that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is a sine qua non for the promotion of human rights;

2. Emphasizes, in this context, the need to promote partnership approaches to international development cooperation and to ensure that prescriptive approaches to good governance do not impede such cooperation;

3. Requests the United Nations High Commissioner for Human Rights to invite all States to provide practical examples of activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, for inclusion in a compilation of indicative ideas and practices that could be consulted by the interested States when required;

4. Decides to continue consideration of the question of the role of good governance in the promotion of human rights at its fifty-seventh session under the same agenda item.

66th meeting
26 April 2000
[Adopted by a roll-call vote of 50 votes to none,
with 2 abstentions. See chap. XVII.]

2000/65. The question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (*a*) of the Convention on the Rights of the Child,

Recalling also General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling further Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1989, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996,

Recalling its resolutions 1998/8 of 3 April 1998 and 1999/61 of 28 April 1999, in which it expressed its conviction that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda and the International Criminal Court are authorized to impose,

Commending those countries that have recently abolished the death penalty,

Welcoming the fact that many countries, while still keeping the death penalty in their penal legislation, are applying a moratorium on executions,

Referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3), with respect to the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50, Deeply concerned that several countries impose the death penalty in disregard of the limitations provided for in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Concerned that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty,

1. Welcomes the sixth quinquennial report of the Secretary-General on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, submitted in accordance with Economic and Social Council resolution 1995/57 of 28 July 1995 (E/2000/3);

2. Calls upon all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

3. Urges all States that still maintain the death penalty:

(*a*) To comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes and only pursuant to a final judgement rendered by an independent and impartial competent court, not to impose it for crimes committed by persons below 18 years of age, to exclude pregnant women from capital punishment and to ensure the right to a fair trial and the right to seek pardon or commutation of sentence;

(*b*) To ensure that the notion of "most serious crimes" does not go beyond intentional crimes with lethal or extremely grave consequences and that the death penalty is not imposed for non-violent financial crimes or for non-violent religious practice or expression of conscience;

(*c*) Not to enter any new reservations under article 6 of the International Covenant on Çivil and Political Rights which may be contrary to the object and the purpose of the Covenant and to withdraw any such existing reservations, given that article 6 of the Covenant enshrines the minimum rules for the protection of the right to life and the generally accepted standards in this area;

(*d*) To observe the Safeguards guaranteeing protection of the rights of those facing the death penalty and to comply fully with their international obligations, in particular with those under the Vienna Convention on Consular Relations;

(*e*) Not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person;

(*f*) Not to execute any person as long as any related legal procedure, at the international or at the national level, is pending;

4. Calls upon all States that still maintain the death penalty:

(*a*) Progressively to restrict the number of offences for which the death penalty may be imposed;

(*b*) To establish a moratorium on executions, with a view to completely abolishing the death penalty;

(*c*) To make available to the public information with regard to the imposition of the death penalty;

5. Requests States that have received a request for extradition on a capital charge to reserve explicitly the right to refuse extradition in the absence of effective assurances from relevant authorities of the requesting State that capital punishment will not be carried out;

6. Requests the Secretary-General to continue to submit to the Commission on Human Rights, at its fifty-seventh session, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty;

7. Decides to continue consideration of the matter at its fifty-seventh session under the same agenda item.

66th meeting
26 April 2000
[Adopted by a roll-call vote of 27 votes to 13,
with 12 abstentions. See chap. XVII.]

2000/66. Towards a culture of peace

The Commission on Human Rights,

Recalling General Assembly resolutions 50/173 of 22 December 1995, 51/101 of 12 December 1996 and 52/13 of 20 November 1997, on a culture of peace, 51/104 of 12 December 1996, on the United Nations Decade for Human Rights Education and public information activities in the field of human rights, 52/15 of 20 November 1997 in which the General Assembly proclaimed the year 2000 as the International Year for the Culture of Peace; and 53/25 of 10 November 1998 on the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010),

Also recalling its resolutions 1998/54 of 17 April 1998 and 1999/62 and 28 April 1999 entitled "Towards a culture of peace",

Reaffirming that, since wars begin in the minds of men and women, it is in the minds of men and women that the defences of peace must be constructed, Bearing in mind the Preamble to the Charter of the United Nations, and guided by the purposes and principles contained therein,

Taking into account that a culture of peace actively fosters non-violence and respect for human rights, strengthens solidarity among peoples and dialogue between cultures, and promotes democratic participation and the right to development of women and men on an equal footing,

Recognizing that culture is an integral whole and a basis for the intellectual development of all human beings, and affirming the need for access, on an equal basis, by children, women and men, including the elderly, to the science of knowledge, in particular to an education for peace, and to the enjoyment of the beautiful legacy of mankind, for the full development of individuals as human beings,

Underlining the need to implement effective policies, at all levels, in accordance with the Declaration and Programme of Action on a Culture of Peace, for the full enjoyment of all human rights and fundamental freedoms by all people, thereby encouraging them to contribute actively to the further development of a culture of peace,

1. Welcomes the adoption by the General Assembly, by its resolution 53/243 of 13 September 1999, of the Declaration and Plan of Action on a Culture of Peace;

2. Also welcomes the proclamation by the General Assembly of the year 2000 as the International Year for the Culture of Peace; as well as all other activities that Governments, non-governmental organizations, civil society and the United Nations system are currently undertaking in order to commemorate this special occasion;

3. Strongly reiterates its invitation to States to promote a culture of peace based on the purposes and principles established in the Charter of the United Nations and in the Declaration and Programme of Action on a Culture of Peace, as an integral approach to preventing violence in its diverse manifestations;

4. Takes note of the report of the Office of the United Nations High Commissioner for Human Rights (E/CN.4/2000/97 and Add.1);

5. Requests the Office of the High Commissioner, in coordination with the Bureau of the Commission at its fifty-sixth session, to organize, provide the necessary resources, including financial resources, and coordinate, during the course of the International Year for a Culture of Peace, a panel/forum on a culture of peace, with participation open to Governments, non-governmental organizations and other interested organizations, focusing on the contribution of the promotion, protection and realization of all human rights to the further development of a culture of peace;

6. Requests the Sub-Commission on the Promotion and Protection on Human Rights to take into account and reflect in its deliberations, as appropriate, the provisions of the Declaration and Programme of Action on a Culture of Peace, as well as the contribution of the promotion, protection and realization of all human rights for the further development of a culture of peace;

7. Decides to continue considering the question of a culture of peace at its fifty-seventh session, given due attention to the fact that General Assembly proclaimed the years 2001-2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World.

66th meeting
26 April 2000
[Adopted without a vote. See chap. XVII.]

2000/67. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Taking note of General Assembly resolution 54/157 of 17 December 1999 and recalling its own resolution 1998/9 of 3 April 1998, Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Human Rights,

Having considered the reports of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/2000/89) and of withdrawals and reservations with respect to the Covenants (E/CN.4/2000/96),

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in implementing the obligations undertaken in the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and in providing recommendations to States parties on their implementation,

Recognizing also the importance of regional human rights instruments and their monitoring mechanisms for the promotion and protection of human rights which complement the universal system of human rights protection,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to accede to the

Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of that Covenant;

3. Invites the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of technical cooperation and advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Stresses the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed;

6. Also stresses the importance of fully taking into account a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including in the reports of States parties and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

7. Encourages States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

8. Also encourages States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights with a view to withdrawing them;

9. Takes note of General Comments Nos. 27 and 28 adopted by the Human Rights Committee and General Comments Nos. 9, 10, 11, 12 and 13 adopted by the Committee on Economic, Social and Cultural Rights since the fifty-fourth session of the Commission;

10. Urges States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested and to make use of gender-disaggregated data in their reports;

11. Also urges States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the Optional Protocols to the International Covenant on Civil and Political Rights;

12. Invites States parties to give particular attention to the dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

13. Once again encourages all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

14. Invites the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights;

15. Stresses the need for improved coordination between relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, and encourages continued efforts in this direction;

16. Welcomes Economic and Social Council decision 1999/287 of 30 July 1999 approving the holding of two additional three-week extraordinary sessions of the Committee on Economic, Social and Cultural Rights, as well as corresponding pre-sessional working groups of one week's duration during the years 2000 and 2001, respectively, in order to reduce the backlog of reports;

17. Welcomes the efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve the efficiency of their working methods and encourages them to continue to consider further ways and means to that end;

18. Invites States to continue to contribute, with practical proposals and ideas, to the dialogue on ways of improving the functioning of the Human Rights Committee and the Committee on,Economic, Social and Cultural Rights;

19. Welcomes the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

20. Stresses the need for further efforts towards developing indicators and benchmarks to measure progress in the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights as well as the desirability of considering the issue of justiciability of economic, social and cultural rights in order to strengthen the enjoyment of these rights;

21. Encourages the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the preparation of their reports, including by convening seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports and by exploring other possibilities available under the regular programme of technical cooperation advisory services in the field of human rights;

22. Requests the Secretary-General to ensure that the Office of the High Commissioner effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources;

23. Welcomes the initiative by the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps, in particular through the Department of Public Information, to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

24. Requests the Secretary-General to submit to the Commission on Human Rights, at its fifty-seventh and fifty-eighth sessions, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its Optional Protocols, including all reservations and declarations;

25. Decides to consider this question at its fifty-eighth session under the agenda item entitled "Status of the International Covenants on Human Rights".

66th meeting
26 April 2000
[Adopted without a vote. See chap. XVII.]

2000/68. Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, and the Vienna Declaration and Programme of Action (A/CONF.157/23),

Recalling all previous resolutions and decisions by the Commission and Sub-Commission on the Promotion and Protection of Human Rights on impunity, as well as part II, section E, paragraph 91, of the Vienna Declaration and Programme of Action,

Recalling also the universality, interdependence and indivisibility of all human rights, civil, cultural, economic, political and social,

Noting all previous United Nations reports on the issue of impunity,

Taking note of the reports of the Secretary-General (E/CN.4/2000/90 and E/CN.4/2000/91),

Recognizing the importance of combating impunity for all human rights violations that constitute crimes,

Expressing satisfaction at the adoption on 17 July 1998 of the Rome Statute of the International Criminal Court (A/CONF.183/9), while acknowledging the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, as measures in the fight against impunity, Convinced that the practice and expectation of impunity for violations of international human rights or humanitarian law encourage such violations and are among the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments,

Convinced also that exposing violations of human rights, holding their perpetrators and their accomplices and collaborators accountable, obtaining justice for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through acknowledgement and commemoration of their suffering, will guide future societies and are integral to the promotion and implementation of all human rights and fundamental freedoms and to the prevention of future violations,

Recognizing that accountability of perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the establishment, by a number of States where serious human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation,

Conscious that the phenomenon of impunity affects all spheres of society,

Convinced of the need for Governments to combat impunity by addressing past or ongoing abuses, taking measures aimed at preventing the recurrence of such violations,

1. Emphasizes the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give necessary attention to the question of impunity for violations of international human

rights and humanitarian law, including those perpetrated against women and children, and to take appropriate measures to address this important issue;

2. Recognizes that, for the victims of human rights violations, public knowledge of their suffering and the truth about perpetrators of these violations are essential steps towards rehabilitation and reconciliation, and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which these violations can be investigated and made public and to encourage victims to participate in such a process;

3. Welcomes in this regard the publication in some States of the reports of commissions of truth and reconciliation established by those countries to address human rights violations that have occurred there in the past and encourages other States where serious human rights violations have occurred in the past to establish appropriate mechanisms to expose such violations;

4. Emphasizes the importance of taking all necessary and possible steps to hold accountable perpetrators of violations of international human rights and humanitarian law, and urges States to take action in accordance with due process of law;

5. Recalls the Secretary-General's call on all countries to sign and ratify the Rome Statute of the International Criminal Court as a means to end the culture of impunity, contained in the report entitled "We the peoples: the role of the United Nations in the twenty-first century" (A/54/2000);

6. Welcomes in this context the progress made in the fight against impunity including the recognition of the principle of complementarity in the Rome Statute;

7. Calls upon States to continue to participate actively with the Preparatory Commission that is engaged, *inter alia*, in drafting the rules of procedure and evidence and the elements of crime of the International Criminal Court and to consider signing and ratifying the Rome Statute;

8. Calls upon States and the United Nations High Commissioner for Human Rights to consider providing to States, upon their request, concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;

9. Calls upon States to continue to support the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda;

10. Requests the Secretary-General to seek the views of Governments, intergovernmental and non-governmental organizations on the issue of the possible appointment of an independent expert charged with examining all aspects of the issue of impunity of perpetrators of human rights violations, with a view to a decision on this matter at the fifty-seventh session of the Commission;

11. Also requests the Secretary-General again to invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

12. Further requests the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report thereon to the Commission at its fifty-seventh session;

13. Invites the special rapporteurs and other mechanisms of the Commission to continue to give due consideration to the issue of impunity in the discharge of their mandates;

14. Decides to continue its consideration of this matter at its fifty-seventh session under the agenda item entitled "Promotion and protection of human rights".

66th meeting
26 April 2000
[Adopted without a vote. See chap. XVII.]

2000/69. Fundamental standards of humanity

The Commission on Human Rights,

Gravely concerned at the large number of situations where internal violence causes extensive suffering and undermines the protection of human rights,

Conscious of the desirability of continuing to study the principles governing the behaviour of all persons, groups and public authorities,

Emphasizing, in this regard, the importance of promoting and respecting existing norms of international human rights and humanitarian law,

Recalling its resolution 1999/65 of 28 April 1999, and taking note of the report of the expert meeting on fundamental standards of humanity (E/CN.4/2000/145, annex) convened in Stockholm from 22 to 24 February 2000 by the Governments of Denmark, Finland, Iceland, Norway and Sweden,

1. Recognizes the desirability of seeking ways of ensuring the effective promotion and protection of human rights and fundamental freedoms of all individuals in all situations in a manner consistent with international law;

2. Also recognizes in this regard the vital importance of the existence in each country of appropriate national legislation for dealing with such situations in a manner consistent with the rule of law;

3. Further recognizes the desirability of a process of identifying and respecting fundamental standards of humanity applicable in all situations in a manner consistent with international law, including the Charter of the United Nations;

4. Welcomes the report of the Secretary-General on fundamental standards of humanity (E/CN.4/2000/94), and requests the Secretary-General, in

consultation with the International Committee of the Red Cross, to submit a further report to the Commission at its fifty-seventh session covering relevant developments in relation to the issues identified in these areas;

5. Invites States, international organizations and non-governmental organizations to engage in discussions in relevant forums on the strengthening of protection of the individual in all situations, with a view to promoting the ongoing process with respect to fundamental standards of humanity.

66th meeting
26 April 2000
[Adopted without a vote. See chap. XVII.]

2000/70. Enhancement of international cooperation in the field of human rights

The Commission on Human Rights,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling its resolution 1999/68 of 28 April 1999 and General Assembly resolution 54/181 of 17 December 1999,

Reaffirming that dialogue among religions, cultures and civilizations, including in the field of human rights, could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing that further progress in the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Emphasizing also the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, in particular, international cooperation,

Underlining that mutual understanding, dialogue, cooperation, transparency, and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling resolution 1998/28 of 26 August 1998 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled "Promotion of dialogue on human rights issues",

1. Reaffirms that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, *inter alia*, international cooperation;

2. Considers that international cooperation in this field, in conformity with the purposes and principles of the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and of fundamental freedoms for all;

3. Reaffirms that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles of the Charter of the United Nations;

4. Decides to continue consideration of this question, as a matter of priority, at its fifty-seventh session.

66th meeting
26 April 2000
[Adopted without a vote. See chap. XVII.]

2000/71. United Nations Decade for Human Rights Education

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 29 of the Convention on the Rights of the Child, which reflect the aims of the aforementioned article,

Taking into account its resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in education policies,

Believing that every woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages which takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immune deficiency syndrome infection and disabled persons,

Bearing in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in particular Part II, paragraphs 78 to 82, thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling also General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade (A/51/506/Add.1, appendix), and requested the High Commissioner to coordinate the implementation of the Plan of Action,

Noting General Assembly resolution 54/161 of 17 December 1999, in which the Assembly urged all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information,

Bearing in mind that, according to the Plan of Action, during the year 2000 a mid-term global evaluation of progress made towards the achievement of the objectives of the Decade shall be undertaken by the Office of the United Nations High

Commissioner for Human Rights, in cooperation with all other principal actors of the Decade, and that the High Commissioner shall report to the General Assembly on the results of the evaluation,

Welcoming the initiative of the Office of the High Commissioner to launch the second phase of the project "Assisting Communities Together", supported by voluntary funds and designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities,

1. Takes note with appreciation of the report of the Secretary-General on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education (E/CN.4/2000/93);

2. Welcomes the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action as indicated in the report of the Secretary-General;

3. Urges Governments and intergovernmental and non-governmental organizations to contribute to the mid-term global evaluation of progress made towards the achievement of the objectives of the Decade to be undertaken by the Office of the High Commissioner in 2000, by providing appropriate information on steps taken in this regard;

4. Urges all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, complementary to other national plans of action already defined (such as general human rights plans of action or those relating to women, minorities and indigenous issues), in accordance with the guidelines for national plans of action for human rights education (A/52/469/Add.1 and Corr.1);

5. Also urges Governments to encourage, support and involve national and local non-governmental and community-based organizations in the implementation of their national plans of action;

6. Encourages Governments to consider, within the national plans of action mentioned above, the establishment of public access human rights resource and training centres capable of engaging in research, the gender-sensitive training of trainers, the preparation, collection, translation and dissemination of human rights education and training materials, the organization of courses, conferences, workshops and public information campaigns and assistance in the implementation of internationally sponsored technical cooperation projects for human rights education and public information;

7. Also encourages Governments, where such national public access human rights resource and training centres already exist, to strengthen their capacity to support human rights education and public information programmes at the international, national, regional and local levels;

8. Encourages the Office of the High Commissioner to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects;

9. Also encourages the Office of the High Commissioner to further develop its Web site, in particular with respect to the dissemination of human rights education materials and tools;

10. Requests the United Nations High Commissioner for Human Rights to continue implementation of and to expand the "Assisting Communities Together" project and to consider other appropriate ways and means to support human rights education activities, including those undertaken by non-governmental organizations;

11. Encourages Governments to support further through voluntary contributions the education and public information efforts undertaken by the Office of the High Commissioner in the framework of the Decade;

12. Requests human rights treaty-monitoring bodies to consider adopting a general comment on human rights education and to place emphasis, when examining reports of States parties, on the obligations of States parties in the area of human rights education and information, and to reflect this emphasis in their concluding observations;

13. Invites the specialized agencies, especially the United Nations Educational, Scientific and Cultural Organization, and relevant United Nations programmes and funds to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and to cooperate closely with the Office of the High Commissioner in that regard;

14. Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the Office of the High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, to provide training in the human rights of women for all United Nations personnel and officials;

15. Calls upon international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the Office of the High Commissioner for Human Rights, in implementing the Plan of Action;

16. Requests the Secretary-General, through the High Commissioner, to submit to the Commission the recommendations of the mid-term global evaluation report to be presented by the High Commissioner to the General Assembly;

17. Decides to continue consideration of the question of human rights education at its fifty-seventh session under the same agenda item.

65th meeting
26 April 2000
[Adopted without a vote. See chap. XVII.]

2000/72. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23), particularly on the question of the human rights to life, health and a sound environment for every individual,

Recalling its earlier resolutions on the subject and, in particular, its resolution 1999/23 of 26 April 1999, General Assembly resolution 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989 and 45/13 of 7 November 1990,

Affirming that the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping, _Aware_ of the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes in developing countries that do not have the national capacity to deal with them in an environmentally sound manner, which constitutes a serious threat to the human rights to life, good health and a sound environment for everyone,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

1. _Expresses deep concern_ that the report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2000/50 and Add.1) was not ready in time for consideration by the Commission;

2. _Appreciates_ the efforts made by the Special Rapporteur in carrying out her mandate in the face of very limited financial resources, and expresses its appreciation to the Governments of Germany and the Netherlands for the cooperation extended to the Special Rapporteur during her visits to those countries;

3. _Categorically condemns_ the illicit dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;

4. _Reaffirms_ that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life, health and a sound environment for every individual;

5. _Once again urges_ all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Commission on Sustainable Development, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and regional organizations to continue to intensify their coordination and international cooperation and technical assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. Welcomes the cooperation between the secretariat for the Basel Convention and:

(*a*) The International Criminal Police Organization, in the monitoring and prevention of cases of illegal trafficking through the exchange of information;

(*b*) The World Customs Organization, in the training of customs officers and the harmonization of classification systems for effective control at customs border posts;

8. Expresses its appreciation to the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur, and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

9. Urges the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to continue to give appropriate support to the developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

10. Urges the Special Rapporteur to continue to undertake, in consultation with the relevant United Nations bodies and organizations, and secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and

solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

11. Reiterates its request to the Special Rapporteur to continue to consult all relevant United Nations bodies, organizations and secretariats, in particular the Chemicals Division of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the secretariat for the Basel Convention, and to take duly into account the progress made in other forums and to identify loopholes;

12. Invites the Special Rapporteur, in accordance with her mandate, to include in her report to the Commission at its fifty-seventh session:

(*a*) Comprehensive information on persons killed, maimed or otherwise injured in developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;

(*b*) The question of the impunity of the perpetrators of these heinous crimes, including racially motivated discriminatory practices, and to recommend measures to bring it to an end;

(*c*) The question of rehabilitation of and assistance to victims;

(*d*) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;

13. Encourages the Special Rapporteur, in accordance with her mandate and with the support and assistance of the Office of the High Commissioner for Human Rights, to continue to

provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in the report to the Commission;

14. Reiterates its call to the Secretary-General to continue to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and, in particular, to provide her with adequate financial and human resources, including administrative support;

15. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-seventh session under the same agenda item.

66th meeting
26 April 2000
[Adopted by a roll-call vote of 37 votes to 16. See chap. X.]

2000/73. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission on Human Rights reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations,

Recalling also Part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Taking into account the need to pay particular attention to the recruitment of personnel for the Office of the United Nations High Commissioner for Human Rights from developing countries, thus improving the present staff composition, based on a more equitable geographical distribution,

Noting with concern that the report of the United Nations High Commissioner for Human Rights submitted pursuant to Commission resolution 1999/70 of 28 April 1999 (E/CN.4/2000/104) concerning the geographical composition and the functions of the Office staff clearly reflects that one region is unequivocally over-represented in the staff composition (see annex to the present resolution),

Expressing its concern again over the under-representation of the developing countries on the staff of the Office of the High Commissioner, particularly bearing in mind the criteria of equitable geographical distribution,

1. Takes note of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner (E/CN.4/2000/104);

2. Reiterates its support of the statement of the High Commissioner to the Third Committee at the fifty-second session of the General Assembly, in which she expressed her willingness to ensure a good geographical balance and a sense of bringing together North and South in a joint commitment to human rights, in the process of filling key senior positions in the Office;

3. Reaffirms that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for recruiting the staff of the Organization, mindful of the criteria of equitable geographical distribution;

4. Considers that it is necessary, in the process of restructuring the Office of the United Nations High Commissioner for Human Rights, to take urgent, concrete and immediate

action to change the currently prevailing geographical distribution of staff of the Office of the High Commissioner in favour of a more equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts, and in this regard, invites the High Commissioner to consider the establishment of a task force within her Office with the mandate to work in cooperation with relevant components of the United Nations Secretariat in the recruitment and training of qualified personnel from developing countries for the staff of the Office;

5. Requests the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from developing countries for the existing vacancies and for additional posts in the Office of the High Commissioner to ensure an equitable geographical distribution, giving particular priority in this regard to recruitment for high-level and Professional posts and to the recruitment of women;

6. Requests once again the Secretary-General, in signing agreements with countries as a result of which Junior Professional Officers are provided to the Office of the High Commissioner, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as Junior Professional Officers, with a view to conforming with the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established, by virtue of which every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

7. Emphasizes the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to the filling of those posts;

8. Requests the High Commissioner to ensure that Junior Professional Officers are not given sensitive political assignments where their impartiality may be questioned;

9. Reaffirms the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue ensuring that the fulfilment of her mandate and that of the Office is guided by these principles;

10. Stresses that the staff of the Office of the High Commissioner need to maintain their neutrality and fully respect the independence of the work of all mechanisms of the Commission and the treaty bodies, while providing support to their functioning;

11. Requests the High Commissioner to submit a comprehensive report on the implementation of the present resolution to the Commission at its fifty-seventh session, which should include:

(*a*) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin America and Caribbean States, Western Europe and Other States and Eastern Europe States) and reflecting, *inter alia*, grade, nationality and gender, including with regard to non-regular staff;

(*b*) Measures adopted to improve the current situation and their results;

(*c*) Recommendations to improve the current situation;

12. Decides to consider this matter under the same agenda item as its fifty-seventh session.

66th meeting
26 April 2000
[Adopted by a roll-call vote of 35 votes to 17,
with 1 abstention. See chap. XVIII.]

ANNEX

Staff of the Office of the United Nations High Commissioner for Human Rights

(Geographical distribution)

Regional groups	Posts subject to geographical distribution	Posts not subject to geographical distribution	Total
Africa	11	25	36

Asia	15	1	16
Latin America and Caribbean States	8	8	16
Eastern Europe States	5	1	6
Western Europe and Other States	34	59	93
Others	2	2	4
Total	75	96	171

2000/74. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling its resolution 1999/69 of 28 April 1999,

Reiterating that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Recognizing that regional cooperation can play an important role in promoting universal respect for, and observance of, human rights and fundamental freedoms, Recognizing also the valuable contribution that independent national institutions, intergovernmental organizations and non-governmental organizations can make in the field of human rights in the Asian and Pacific region,

Welcoming the convening of the Eighth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Beijing from 1 to 3 March 2000,

1. Welcomes the report of the Secretary-General (E/CN.4/2000/102) and the progress achieved in the implementation of Commission resolution 1999/69;

2. Also welcomes all the respective conclusions of the interactive discussions held during the four regional inter-sessional workshops held in Bangkok, Seoul, Tokyo and Sana'a respectively on national plans of action, independent national institutions, human rights education, and the effective realization of economic, social and cultural rights and the right to development for strengthening national capacities and for the promotion and protection of human rights;

3. Endorses the conclusions of the eighth workshop on the next steps to be taken to facilitate the process of regional cooperation in the Asian and Pacific region;

4. Reaffirms that developing and strengthening national capacities for the promotion and protection of human rights in accordance with national conditions provides the strongest foundation for effective and enduring regional cooperation in the field of human rights in the Asian and Pacific region, and notes the discussions at the relevant workshop of the region on national human rights plans of action and capacity-building;

5. Recognizes the importance of an inclusive, step-by-step, practical and building-block approach towards enhancing regional cooperation for the promotion and protection of human rights in accordance with the pace and priorities to be set by the Governments of the Asian and Pacific region by consensus;

6. Notes the discussion at the relevant workshop in the region on, *inter alia*, all obstacles to the effective realization of economic, social and cultural rights and the right to development and the need for international cooperation to support efforts of countries to overcome them;

7. Also notes the discussions at the relevant workshops in the region on the positive role human rights education can play in enhancing respect for and contributing to the promotion and protection of human rights, fundamental freedoms and sustainable development;

8. Welcomes the in-depth discussions held during the eighth workshop reviewing developments in the Asian and Pacific region over the past year in the four priority areas identified at the sixth workshop, held inTehran from 28 February to 2 March 1998, which adopted the Framework for Regional Technical Cooperation in the Asian and Pacific region (E/CN.4/1998/50, annex II);

9. Notes that the eighth workshop summed up experience, looked to the future and endorsed the next steps and activities for cooperation on human rights in the region;

10. Also notes that views were exchanged at the eighth workshop on the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

11. Commends the contribution of the Government of China, as the host of the eighth workshop, to the promotion and protection of human rights in the Asian and Pacific region;

12. Welcomes the establishment of independent national institutions in countries of the Asian and Pacific region and their important contribution to the process of regional cooperation, *inter alia*, through the work of the Asia-Pacific Forum of National Human Rights Institutions, and notes the discussions at the relevant workshop in the region in this regard;

13. Notes the contribution of independent national institutions, intergovernmental organizations and representatives of non-governmental organizations to the eighth workshop;

14. Welcomes the useful work done by the Office of the United Nations High Commissioner for Human Rights in allocating funding for developing and implementing the project proposals made at the seventh workshop, held in New Delhi from 16 to 18 February 1999, in the four areas identified under the regional framework;

15. Encourages all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical cooperation in the field of human rights, to further strengthen national human rights capacities, and in this regard calls upon the United Nations High Commissioner to continue to give adequate attention to the programme;

16. Requests the Secretary-General to submit to the Commission at its fifty-seventh session a report containing the conclusions of the Ninth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region and information on the progress achieved in the implementation of the present resolution;

17. Decides to continue its consideration of the question at its fifty-seventh session under the same agenda item.

66th meeting
26 April 2000
[Adopted without a vote. See chap. XVIII.]

2000/75. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The Commission on Human Rights,

Recalling General Assembly resolution 53/138 of 9 December 1998 and its own resolution 1998/27 of 17 April 1998, as well as other relevant resolutions,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Reiterating its concern about the large number of overdue reports under the United Nations human rights instruments, the increasing backlog of reports on the implementation by States parties and delays in consideration of reports by treaty bodies, as well as the lack of adequate resources, which impedes the effective functioning of the treaty bodies, including in regard to their ability to work in the applicable working languages,

Recalling that the effectiveness of the treaty bodies in encouraging the realization by States parties of their obligations under the United Nations human rights instruments requires constructive dialogue aimed at assisting States parties in identifying solutions to human rights problems and should be based on the reporting process supplemented by information from all relevant sources, which should be shared with all interested parties,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations system,

1. Takes note with appreciation of the report of the persons chairing the human rights treaty bodies on their 10th meeting (A/53/432, annex), held at Geneva from 14 to 18 September 1998, and the holding of the 11th meeting at Geneva from 31 May to 4 June 1999, and also takes note of the conclusions and recommendations of those meetings;

2. Encourages each treaty body to continue to give careful consideration to the relevant conclusions and recommendations contained in the reports of the meetings of the chairpersons of the human rights treaty bodies and, in this context, encourages enhanced cooperation and coordination between the human rights treaty bodies;

3. Takes note with interest of the report of the Secretary-General on implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/2000/106);

4. Welcomes the submission of comments by Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons on the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system (E/CN.4/1997/74) and the Secretary-General's report thereon (E/CN.4/2000/98);

5. Notes with appreciation the continuing attention given by the human rights treaty bodies, the chairpersons of those bodies, Governments, United Nations bodies and specialized agencies, the United Nations High Commissioner for Human Rights, non-governmental organizations and interested persons to the question of enhancing the long-term effectiveness of the United Nations human rights treaty system, including the final report of the independent expert and other contributions;

6. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(*a*) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body, while making the most efficient use of existing resources, in order to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(*b*) Calls upon the Secretary-General to seek in the next biennium the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(*c*) Welcomes the plans of action prepared by the High Commissioner to enhance the resources available to all the human rights treaty bodies and thereby strengthen the implementation of these human rights treaties, and encourages all Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons to consider contributing to the appeal for extrabudgetary resources for the treaty bodies made by the High Commissioner until the regular budget funding meets their needs;

7. Takes note of the measures taken by each of the human rights treaty bodies to improve their functioning, as reflected in their respective annual reports, and encourages continuing efforts by the human rights treaty bodies and the Secretary-General to help improve the meeting of reporting obligations by States parties and to reduce the backlog in the consideration of reports by treaty bodies;

8. Welcomes the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and encourages the Secretary-General, the treaty bodies and the next meeting of the chairpersons of the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties, including through an ongoing examination of proposals for reports focused on a limited range of issues, the harmonization of the general guidelines regarding the form and content of reports, the possibility of consolidating overdue reports, the timing of consideration of reports and the methods of work of the treaty bodies;

9. Urges States parties to contribute, individually and collectively, such as through meetings of States parties, to identifying practical proposals and ideas for improving the functioning of the treaty bodies;

10. Also urges States parties to make every effort to meet their reporting obligations under United Nations human rights instruments;

11. Reiterates that a priority of the programme of advisory services and technical assistance of the Office of the United Nations High Commissioner for Human Rights should be to provide assistance to States parties, upon their request and, if possible, in coordination with other United Nations bodies, Governments and other interested parties in order to:

(*a*) Assist those States in the process of ratifying United Nations human rights instruments;

(*b*) Assist States with the implementation of their obligations under such instruments, including the preparation of their initial reports;

12. Welcomes the publication of the revised *Manual on Human Rights Reporting* (United Nations publication, Sales No. E.GV.97.0.16) and requests the United Nations High Commissioner for Human Rights, in accordance with Economic and Social Council decision 1998/252 of 30 July 1998, to take the necessary measures to ensure the translation into all the official United Nations languages of the revised *Manual* as soon as possible;

13. Also welcomes the availability of documentation regarding the treaty bodies on the Web site of the Office of the High Commissioner and urges the Secretary-General to ensure that United Nations practices concerning access to treaty information are consistent with Commission resolutions 1999/60 of 28 April 1999 on public information activities and 1999/64 of 28 April 1999 on human rights education;

14. Invites States parties that have not yet submitted their initial reports under United Nations human rights instruments to avail themselves, where necessary, of technical assistance for this purpose;

15. Encourages the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties, and encourages States parties to consider carefully the concluding observations of the treaty bodies in identifying their needs for technical assistance;

16. Urges each State party whose report has been examined by a human rights treaty body to translate, publish and make available in its territory the full text of the concluding observations of the treaty body on its report and to provide adequate follow-up to those observations;

17. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies and encourages the specialized agencies and other United Nations bodies, the various organs of the Commission on Human Rights, including its special procedures, the Sub-Commission on the Promotion and Protection of Human Rights, the Office of the High Commissioner and the chairpersons of the human rights treaty bodies to continue to explore specific measures to intensify this cooperation among themselves and improve communication and information flow, and to improve further the quality of their work, including by avoiding unnecessary duplication;

18. Recognizes the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

19. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution and gender balance of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

20. Welcomes the continuing emphasis by the chairpersons of the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate and, in this regard, takes note of the excerpt of the report of a gender integration workshop held in Geneva in May 1999 (E/CN.6/2000/8-E/CN.4/2000/118, annex) and the report of the

Secretary-General on theintegration of a gender perspective into the work of the United Nations human rights bodies (HRI/MC/1998/6);

21. Also welcomes the contribution of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties;

22. Encourages the chairpersons of the human rights treaty bodies to pursue at their future meetings the reform process aimed at improving the effective implementation of international instruments on human rights;

23. Requests the Secretary-General to report to the Commission at its fifty-eighth session on measures taken to implement the present resolution and obstacles to its implementation, and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

24. Decides to consider this question on a priority basis at its fifty-eighth session under the agenda item entitled "Effective functioning of human rights mechanisms".

66th meeting
26 April 2000
[Adopted without a vote. See chap. XVIII.]

2000/76. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling the relevant resolutions of the General Assembly and its own resolutions concerning national institutions for the promotion and protection of human rights, notably Assembly resolutions 48/134 of 20 December 1993 and 52/128 of 12 December 1997 and Commission resolutions 1992/54 of 3 March 1992, 1998/55 of 17 April 1998 and 1999/72 of 28 April 1999, Welcoming the rapidly growing interest worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the legal framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Taking note of the Programme of Action (see A/CONF.157/NI/6) adopted by national institutions meeting in Vienna, from 14 to 16 June 1993 during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Recalling also the Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I, annex II), in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the meeting of the Coordinating Committee created by national institutions, held in Geneva in March 1999 in association with the fifty-fifth session of the Commission, Welcoming also the strengthening of regional cooperation among national human rights institutions, including through the fourth Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions, held in Manila in September 1999, the third meeting of European National Institutions, held in Strasbourg in March 2000, the first Regional Meeting of National Institutions for the Protection and Promotion of Human Rights in the Americas, held in Tegucigalpa in September 1999, and the Fifth International Workshop of National Human Rights Institutions, held in Rabat in April 2000,

Welcoming further the strengthening of regional cooperation between national human rights institutions and other regional human rights forums, including the first round table between the Council of Europe and national institutions in Strasbourg in March 2000 and the adoption of a resolution by the African Commission on Human and Peoples' Rights on the granting of observer status to national human rights institutions in Africa,

Noting the importance of participation by national institutions in relevant United Nations meetings dealing with human rights, and that a number of national institutions have for some time taken a constructive part in such meetings,

1. Reaffirms the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134 of 20 December 1993;

2. Encourages Member States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;

3. Welcomes the support for the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms, as outlined in article 14, paragraph 3, of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms adopted by the General Assembly in its resolution 53/144 of 9 December 1998;

4. Recognizes the important and constructive role that individuals, groups and organs of society can play, in cooperation with national institutions, for the better promotion and protection of human rights and in this context welcomes the convening by the Asia-Pacific Forum of National Human Rights Institutions, in cooperation with the Office of the United Nations High Commissioner for Human Rights, of a workshop on cooperation between non-governmental organizations and national human rights institutions in Sri Lanka in July 1999;

5. Welcomes the decisions announced recently by a growing number of States to establish, or to consider establishing, national institutions for the promotion and protection of human rights, including the trend towards the establishment of such institutions in developed countries;

6. Endorses the view of the Committee on Economic, Social and Cultural Rights expressed in its General Comment No. 10 (1998) (E/1999/22-E/C.12/1998/26, annex V) that national human rights institutions have a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights;

7. Calls upon States, in this context, to ensure that all human rights are appropriately reflected in the mandates of national human rights institutions when they are established;

8. Affirms the important role of national human rights institutions in combating racial and related forms of discrimination and in the protection and promotion of the human rights of women and the rights of the child, and in this context:

(*a*) Encourages the appropriate participation of national institutions in preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at the national, regional and global levels;

(*b*) Stresses the desirability of appropriate participation by national institutions, in cooperation with other mechanisms for the promotion and protection of human rights, in the five-year review of the implementation of the Programme of Action adopted at the Fourth World Conference on Women;

(*c*) Welcomes the involvement of national institutions in activities associated with the tenth anniversary year of the Convention on the Rights of the Child;

9. Reaffirms the role of national institutions, where they exist, as appropriate agencies, *inter alia*, for the dissemination of human rights materials and other public information activities during the United Nations Decade for Human Rights Education (1995-2004);

10. Commends the United Nations High Commissioner for Human Rights for the priority accorded to the establishment and strengthening of national human rights institutions, including through technical cooperation, and calls upon her Office to continue to strengthen its coordinating role in this field;

11. Welcomes the consolidation and strengthening of the work of the Office of the High Commissioner in the area of national human rights institutions, and calls for the appropriate allocation of resources necessary for this work;

12. Expresses its appreciation to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

13. Takes note with satisfaction of the efforts of those States that, through internal legislative mechanisms, have provided their national institutions with more autonomy and independence, and encourages other Governments to follow suit;

14. Welcomes the important work of the Coordinating Committee of national institutions, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights and in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

15. Requests the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the High Commissioner;

16. Also requests the Secretary-General to continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions;

17. Welcomes the practice of national institutions which conform with the Principles relating to the status of national institutions for the promotion and protection of human rights of participating in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies;

18. Also welcomes the decisions to hold the sixth international workshop on national institutions, the fifth Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions, the third Conference of African National Institutions for the Promotion and Protection of Human Rights and the second Regional Meeting of National Institutions for the Protection and Promotion of Human Rights in the Americas within the next year, and encourages national institutions to organize similar events with non-governmental organizations in their own regions;

19. Invites Governments and intergovernmental organizations to contribute to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for the purpose of financing, where necessary, attendance by representatives of national institutions;

20. Requests the Secretary-General to report to the Commission at its fifty-seventh session on the implementation of the present resolution;

21. Decides to continue its consideration of this question at its fifty-seventh session.

66th meeting26 April 2000
[Adopted without a vote. See chap. XVIII.]

2000/77. The protection of United Nations personnel

The Commission on Human Rights,

Guided by the relevant provisions on protection contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies, the Convention on the Safety of United Nations and Associated Personnel, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or Have Indiscriminate Effects and its Protocols,

Guided also by the International Bill of Human Rights,

Recalling the fiftieth anniversary, on 12 August 1999, of the Geneva Conventions, on the occasion of which the United Nations reaffirmed the need to promote and ensure respect for the principles and rules of international humanitarian law,

Recalling its resolution 1998/37 of 17 April 1998,

Welcoming General Assembly resolution 54/192 of 17 December 1999 on the safety and security of humanitarian personnel and protection of United Nations personnel,

Taking note of Security Council resolution 1265 (1999) of 17 September 1999, and reaffirming the statements by the President of the Council of 9 February 2000 on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones (S/PRST/2000/4), of 8 July 1999 on the maintenance of peace and security and post-conflict peace-building (S/PRST/1999/21), of 29 September 1998 and 19 June 1997 on protection for humanitarian assistance to refugees and others in conflict situations (S/PRST/1998/30 and

S/PRST/1997/34) and of 12 March 1997 on the security of United Nations operations (S/PRST/1997/13),

Taking note of the report of the Secretary-General on the protection of civilians in armed conflict (A/54/619) as well as his report on the strengthening of the coordination of emergency humanitarian assistance of the United Nations, and the addendum thereto on the safety and security of humanitarian personnel and protection of United Nations personnel (A/54/154-E/1999/94 and Add.1),

Noting with satisfaction the entry into force on 15 January 1999 of the Convention on the Safety of United Nations and Associated Personnel,

Concerned, however, that only one State in which humanitarian or peacekeeping missions are taking place under the auspices of the United Nations has adhered to the Convention on the Safety of United Nations and Associated Personnel,

Welcoming the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations as a war crime in the Rome Statute of the International Criminal Court(A/CONF.183/9), and noting the role that the Court could play in bringing to justice those responsible for serious violations of human rights and international humanitarian law, as a measure of preventing impunity,

Concerned by the increasingly difficult context in which United Nations operations and missions as well as humanitarian assistance take place in some areas, in particular the continued erosion, in many cases, of respect for international human rights and humanitarian law,

Strongly condemning the acts of murder and various forms of physical violence, abduction, hostage-taking, kidnapping, harassment, illegal arrest and detention, acts of destruction and looting of property, shooting at vehicles and aircraft, mine-laying, looting of assets, physical and psychological threats and other hostile acts against United Nations and associated personnel and other personnel acting under the authority of United Nations operations, as well as personnel of international humanitarian organizations, Expressing concern that the occurrence of attacks and threats against United Nations and associated personnel and other personnel is a factor that increasingly affects and restricts the ability of the Organization to provide assistance and protection to civilians in fulfilment of its mandate under the Charter of the United Nations,

Recognizing the urgency of improving the security of United Nations and associated personnel and the fundamental requirement that appropriate modalities for the safety and security of United Nations and associated personnel should be incorporated into all new and ongoing United Nations and field operations,

Emphasizing the need to give further consideration to the safety and security of locally recruited United Nations and associated personnel and other personnel, who account for the majority of casualties,

Recalling that the primary responsibility under international law for the security and protection of United Nations and associated personnel lies with the Government hosting a United Nations operation conducted under the Charter of the United Nations or its agreements with the relevant organizations,

1. Welcomes the report of the Secretary-General on the security of United Nations personnel (E/CN.4/2000/99);

2. Takes into account the note by the secretariat (E/CN.4/2000/100), stating that the comprehensive and in-depth study on the safety and security problems faced by the United Nations and associated personnel, requested by the Commission in 1997 and in 1998, will be prepared on an inter-agency basis and will be submitted in due course;

3. Calls upon all organizations of the United Nations system to report systematically any incident involving the safety and security of staff to the United Nations Security Coordinator so that a comprehensive record may be maintained;

4. Calls upon all States to consider promptly signing and acceding to or ratifying the Convention on the Safety of United Nations and Associated Personnel, in particular those receiving United Nations operations on their territories;

5. Also calls upon all States to consider signing, acceding to and ratifying the Rome Statute of the International Criminal Court;

6. Urges all States to take the necessary measures to ensure the full and effective implementation of the relevant principles and rules of international humanitarian law, as well as relevant provisions of human rights law related to the safety and security of United Nations and associated personnel;

7. Calls upon all States and others concerned:

(*a*) To respect and ensure respect for the rights of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations;

(*b*) To provide adequate and prompt information concerning the arrest or detention of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(*c*) To grant the representatives of the competent international organization immediate access to such personnel;

(*d*) To allow independent medical teams to investigate the health of detained United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(*e*) To allow representatives of the competent international organization to attend hearings involving United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

(*f*) To ensure the prompt release of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions and applicable international humanitarian law;

(*g*) To adopt appropriate domestic legislation and judicial and administrative measures to ensure that the perpetrators of unlawful acts against United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are held accountable for their actions;

8. Encourages all States to contribute to the Trust Fund for Security of Personnel of the United Nations system;

9. Requests the Secretary-General:

(*a*) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and, when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(*b*) To take the necessary measures to implement the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights on protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19), including the recommendations contained in paragraphs 45 and 47 of that report;

(*c*) To take concrete steps, within his mandate, to improve the safeguards for the security and safety of locally recruited United Nations and associated personnel and other personnel, who account for the majority of casualties, and to consider ways and means of strengthening their protection when carrying out activities in fulfilment of the mandate of a United Nations operation;

(*d*) To ensure the inclusion in headquarters and other mission agreements of the applicable principles and rules on protection contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

(*e*) To take the necessary measures in order to ensure that security matters are an integral part of the planning for existing and newly mandated United Nations operations and that such precautions extend to all United Nations and associated personnel and, as appropriate, to other personnel;

(*f*) To take concrete steps to improve safeguards for the security of United Nations and associated personnel, including strengthening the Office of the United Nations Security Coordinator to enable it to perform its responsibilities as overall security manager of the United Nations system;

(*g*) To ensure that field missions are adequately staffed with security professionals and provided with essential equipment;

(*h*) To take the necessary measures to ensure that United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation or mission are properly informed about the conditions under which they are called to operate and the standards they are required to meet, including those contained in relevant domestic and international law, and that adequate training is provided in security, human rights and humanitarian law so as to enhance their security and effectiveness in accomplishing their functions;

10. Recalls the request to the Secretary-General to complete the review of security in peacekeeping and other operations and to compile examples of best practices, obstacles encountered and lessons learned and to elaborate further specific and practical measures to increase the safety and security of personnel involved, and requests him to inform the Commission of the results in this respect at its fifty-eighth session;

11. Requests the Secretary-General to submit a report to the Commission at its fifty-eighth session on the situation of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases that have been successfully settled as they relate to the principles set out in the International Covenants on Human Rights and on the implementation of the measures referred to in present resolution.

67th meeting
26 April 2000
[Adopted without a vote. See chap. XVIII.]

2000/78. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its resolution 1999/77 of 28 April 1999 and taking note of General Assembly resolution 54/187 of 17 December 1999, Having in mind the report of the Secretary-General on the situation of democracy and human rights in Haiti (A/54/625), and the report of the Secretary-General to the Security Council on the United Nations Civilian Police Mission in Haiti (S/2000/150), and considering the statement by the President of the Security Council of 15 March 2000 (S/PRST/2000/8),

Welcoming Economic and Social Council resolution 1999/11 of 27 July 1999 in which the Council, *inter alia*, emphasized the need to establish the necessary mechanisms to develop, on a priority basis, a long-term strategy and programme of support for Haiti,

Recognizing the interdependence and the mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms, and the commitment of the international community to supporting, strengthening and promoting this principle,

Underlining its appreciation for the important contribution of the United Nations Civilian Police Mission in Haiti and the International Civilian Mission in Haiti,

Expressing its gratitude to all the countries that took part in the work of the United Nations Civilian Police Mission in Haiti and the International Civilian Mission in Haiti,

Recognizing the major contribution that the National Truth and Justice Commission is called upon to continue to play in strengthening the process of democratization and establishing a climate of freedom and tolerance conducive to respect for human rights in the country,

Noting the establishment of an international civilian support mission in Haiti with the mandate to promote and protect human rights, to reinforce the institutional effectiveness of the police and judiciary, and to coordinate the international community's dialogue with political and social actors in Haiti,

Inviting the Organization of American States to pursue, as appropriate, its cooperation with the United Nations in Haiti, Recalling the statements by the Haitian authorities to the effect that the Government of that country remains committed to upholding human rights, and encourages further improvement,

Underlining the importance of a functioning parliament to the development of democratic government, the rule of law and the advancement of political, social and economic human rights to the benefit of all Haitians,

Expressing concern over recent acts of violence that negatively affect the political evolution and the stability of the country, and at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions of that society, and which both account for and result from the limitations of the judicial and police systems, as indicated in the reports of the independent expert on the situation of human rights in Haiti,

Regretting the continuous unfortunate delays in the electoral process, in spite of the expressed commitment of the Government, since March 1999, to have as its principal goals the holding of early, free and fair elections,

Welcoming the visit to the country of the Special Rapporteur on violence against women, its causes and consequences, and taking note of her report (E/CN.4/2000/68/Add.3),

Taking note of the announcement by the Provisional Electoral Council that the first round of elections will take place on 21 May and the second round on 25 June 2000, confirmed by presidential decree, and urging the Government, in coordination with the Provisional Electoral Council, to provide full financial, security and logistical support to ensure free, fair, transparent and prompt elections,

1. Expresses its gratitude to the Secretary-General, his Special Representative for Haiti and the independent expert on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and respect for human rights;

2. Commends the United Nations Civilian Police Mission in Haiti for its successful training and mentoring assistance to the Haitian National Police, as well as the efforts of the joint United Nations/Organization of American States International Civilian Mission in Haiti in monitoring human rights and promoting democratic reforms and assisting the Haitian authorities in the area of institution-building;

3. Takes notes with interest of the report on the situation of human rights in Haiti submitted to the General Assembly by the independent expert (A/54/366) and encourages active follow-up of the recommendations contained therein;

4. Calls upon Haiti to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Insists on the importance, for combating impunity and for the realization of a genuine and effective process of transition and national reconciliation, of the investigations undertaken by the National Commission for Truth and Justice, and once again strongly urges the Government of Haiti to institute legal proceedings against perpetrators of human rights violations identified by the National Commission and to create effective facilities for providing support to the victims, in particular women, children and members of their families, and in this specific context reiterates the recommendations contained in the report of the independent expert on the situation of human rights in Haiti;

6. Requests all interested Governments to make available to the Government of Haiti information and documentation to enable it to prosecute the perpetrators of human rights violations in order to facilitate the reconciliation process;

7. Reiterates its concern over the lack of a functioning parliament and over the lack of fully independent local government;

8. Regrets the continuing delay of the parliamentary elections foreseen initially for 19 March 2000;

9. Strongly urges the Government of Haiti to enable the people of Haiti to express their political will through scheduled elections in good conditions of security, as soon as possible, and in this connection urgently calls upon the Government of Haiti, in coordination with the Provisional Electoral Council, to hold free, fair and prompt elections, in order to ensure that the parliament and local government are put in place without delay;

10. Deplores the recent increase of acts of violence and urges the Haitian authorities and political leaders to cooperate with a view to putting an end to such violence;

11. Calls upon the Government of Haiti to properly investigate politically motivated crimes and prosecute perpetrators of such crimes in accordance with Haitian law, to take vigorous action to eliminate any continuing human rights violations, including illegal arrests and detentions and the detention by authorities of individuals in violation of court orders for their release, and to ensure due process including reasonable timeframes;

12. Also calls upon the Government of Haiti to comply with its existing obligations under international human rights law by harmonizing all relevant provisions of Haitian national law with international standards and by continuing to comply with its reporting obligations to treaty-monitoring bodies, in particular the Committee on the Elimination of Discrimination against Women;

13. Further calls upon the Government of Haiti, in cooperation with the International Civilian Support Mission in Haiti, to continue structural reforms in the police and judicial system and the improvement of the prison sector, as a way to reinforce the promotion and protection of human rights;

14. Recalls with appreciation, and urges implementation of, the initiative of the Government of Haiti, in collaboration with the international community and women's groups, to adopt measures to promote the human rights of women and to fight against the violence of which they are victims, through the training of judicial staff and the dissemination of information on women's rights at all levels of the educational system;

15. Stresses the importance of the Haitian National Police maintaining professional and apolitical behaviour and in this connection reiterates the need for the Haitian National Police to continue receiving technical training to enable it to perform its functions efficiently, within a framework of respect for human rights;

16. Welcomes the establishment of the International Civilian Support Mission in Haiti, and supports its activities, in particular in the human rights field and that of judicial and police system reform, encourages the Haitian authorities to cooperate fully with the Representative of the Secretary-General in this regard and urgently appeals to all countries in a position to do so to make financial contributions to the Mission as soon as possible, in order to allow it to perform its work effectively;

17. Invites the international community, including the Bretton Woods institutions, to stand ready to continue their involvement in the reconstruction and development of Haiti, when conditions permit;

18. Encourages the Government of Haiti to promote the rights of children, in particular their right to education;

19. Invites the Secretary-General and the Government of Haiti to contribute to the strengthening of the Office for the Protection of Citizens, including through regional representation as appropriate, incorporating a gender perspective, through the establishment of a programme of technical cooperation, in close collaboration with the Office of the United Nations High Commissioner for Human Rights and the International Civilian Support Mission in Haiti, and encourages the international community to assist in this effort;

20. Requests the United Nations High Commissioner for Human Rights to provide all necessary human and financial resources for the effective fulfilment of the mandate of the independent expert on the situation of human rights in Haiti;

21. Invites the independent expert to report to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-seventh session on developments in the human rights situation in Haiti;

22. Decides to continue its consideration of this question at its fifty-seventh session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

67th meeting
26 April 2000
[Adopted without a vote. See chap. XIX.]

2000/79. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991, including Part III thereof, relating to human rights,

Bearing in mind its resolution 1999/76 of 28 April 1999, General Assembly resolution 54/171 of 17 December 1999 and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to assure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the international community continue to respond positively to assist efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Bearing in mind the request in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, the letters dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council (A/53/850-S/1999/231) and the report of the Group of Experts appointed by the Secretary-General annexed thereto, and the ongoing discussions between the Government of Cambodia and the United Nations Secretariat on standards and procedures for bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights in the years 1975-1979,

Recognizing the legitimate concern of the Government and people of Cambodia in the pursuit of internationally accepted principles of justice and of national reconciliation,

Recognizing also that accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. Welcomes the report of the Secretary-General concerning the role of the Office of the High Commissioner in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/2000/108) and also welcomes the agreement by the Government of Cambodia to extend the memorandum of understanding for the office of the High Commissioner at Phnom Penh until March 2002, enabling the Office to continue its operations and to maintain its technical cooperation programmes, and encourages the Government to continue to cooperate with the Office;

3. Also welcomes the report of the Special Representative of the Secretary-General for human rights in Cambodia (E/CN.4/2000/109) and notes in particular his concerns about the

problem of impunity and the need to promote and protect the independence of the judiciary and to establish the rule of law;

4. Notes with concern the continued problems related to the rule of law and the functioning of the judiciary, including interference by the executive with the independence of the judiciary, *inter alia*, rearrests, and welcomes recent statements by the Government committing itself to judicial reform, the work currently being done to prepare the laws and codes which are essential components of the basic legal framework, meetings of the Supreme Council of Magistracy and the Government's decision to set up a commission on judicial reform;

5. Urges the Government of Cambodia to continue to take the necessary measures to develop an independent, impartial and effective judicial system, including through the early adoption of the draft statute on magistrates, a penal code and a code on criminal procedures, and the reform of the administration of justice, and appeals to the international community to assist the Government to this end;

6. Commends the initial efforts by the Government of Cambodia with regard to the review and the stated commitment to the downsizing of the police and the military, urges the Government of Cambodia to take further measures to carry out effective reform aimed towards professional and impartial police and military forces, and invites the international community to assist the Government to this end;

7. Also commends the vital and valuable role played by non-governmental organizations in Cambodia, *inter alia*, in the development of civil society, and encourages the Government of Cambodia to continue to work with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia;

8. Notes with interest the activities undertaken by the governmental Cambodian Human Rights Committee, the National Assembly Commission on Human Rights and Reception of Complaints and the Senate Commission on Human Rights and Reception of Complaints, and welcomes preliminary efforts to establish an independent national human rights commission which should be based on international standards, such as the Principles relating to the status of

national institutions for the promotion and protection of human rights ("Paris principles"), and requests the Office of the High Commissioner to provide advice and technical assistance in these efforts;

9. Expresses grave concern about continued violations of human rights, including torture, extrajudicial killings, excessive pre-trial detention, violation of labour rights, illegal confiscation of land and forced relocation, as well as the apparent lack of protection from mob killings as detailed in the reports of the Special Representative, and notes some progress made by the Government of Cambodia in addressing these issues;

10. Expresses serious concern about the continued prevalence of impunity in Cambodia, commends the initial commitment and efforts of the Government of Cambodia to tackle this question, such as amending article 51 of the 1994 Law on Civil Servants, and calls upon the Government to take further measures, as a matter of critical priority, to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated violations of human rights;

11. Welcomes the investigations into some cases of politically motivated violence, while remaining concerned at the continued reports of politically motivated violence and intimidation, and urges the Government of Cambodia to undertake further investigations in line with its stated commitments;

12. Reaffirms that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, welcomes the final collapse of the Khmer Rouge, which has paved the way for the investigation and prosecution of its leaders, and takes note with interest of the steps taken by the Government of Cambodia to bring to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights;

13. Appeals strongly to the Government of Cambodia to ensure that those most responsible for the most serious violations of human rights are brought to account in accordance with international standards of justice, fairness and due process of law, takes note with interest of the progress of the recent talks between the Government of Cambodia and the United Nations Secretariat aimed at guaranteeing such standards and procedures, encourages the Government to

continue to cooperate with the United Nations with a view to reaching an early agreement, and welcomes the efforts of the Secretariat and the international community in assisting the Government to this end;

14. Reaffirms the importance of the upcoming communal elections being conducted in a free and fair manner, and urges the Government of Cambodia to prepare for them accordingly;

15. Welcomes the adoption of a five-year action plan by the Government of Cambodia, in particular by the Ministry of Women's Affairs and Veterans, as well as other measures taken by the Government to improve the status of women, and urges the Government to continue to take appropriate measures to eliminate discrimination against women, including in the political and public life of the country, to combat violence against women in all its forms, including grave violations of the rights of women perpetrated by law enforcement and armed forces personnel, and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance;

16. Commends the initiatives of and the progress made by the Government of Cambodia towards ensuring adequate health conditions, calls upon the Government to continue to take further measures to achieve this goal, with emphasis on ensuring adequate health conditions for women and children and minority groups and on the problem of the human immunodeficiency virus/acquired immune deficiency syndrome, and encourages the international community to continue to support the Government to this end;

17. Also commends the continued efforts of the Government of Cambodia, together with non-governmental organizations and the local authorities, to improve the quality of and access to education, and calls for further measures to be taken in order to ensure the right of Cambodian children to education, especially at the primary level, in accordance with the Convention on the Rights of the Child, and requests the international community to provide assistance for the achievement of this goal;

18. Welcomes the Five-Year National Plan against Child Sexual Exploitation in Cambodia, and encourages the Government of Cambodia to ensure the necessary law enforcement and other measures in support of the Plan in order to tackle the problem of child prostitution and trafficking in Cambodia;

19. Notes with serious concern the problem of child labour, calls upon the Government of Cambodia to ensure adequate health and safety conditions for children and to outlaw, in particular, the worst forms of child labour, invites the International Labour Organization to continue to extend the necessary assistance in this regard and encourages the Government of Cambodia to consider ratifying International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

20. Also notes with serious concern the prison conditions in Cambodia, notes with interest some improvements in the prison system and the recent adoption of the Proclamation on Administration of Prisons and Prison Procedures, commends the continued international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take the further measures necessary to improve prison conditions, especially with regard to providing the minimum standard of food and health care and meeting the special needs of women and children;

21. Urges an end to racial violence against and vilification of ethnic minorities, including the ethnic Vietnamese, and also urges the Government of Cambodia to take all steps to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, including through seeking technical assistance;

22. Commends the successful completion of the voluntary repatriation of Cambodian refugees from Thailand undertaken by the Government of Cambodia, the Government of Thailand and the Office of the United Nations High Commissioner for Refugees;

23. Welcomes the actions taken by the Government of Cambodia to combat illicit logging, which has seriously threatened full enjoyment of economic, social and cultural rights by many Cambodians, including indigenous people, expects these efforts by the Government of

Cambodia to continue, and welcomes the progress made recently on the drafting of the new land law;

24. Also welcomes the submission of the initial reports of Cambodia under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, asks the Government of Cambodia to follow up the recommendations made by the Human Rights Committee regarding the report submitted under the International Covenant on Civil and Political Rights, calls upon the Government to meet its reporting obligations under all other international human rights instruments, and requests the office of the United Nations High Commissioner for Human Rights in Cambodia to continue to provide assistance in this regard;

25. Expresses grave concern at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, welcomes the ratification by Cambodia of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction in July 1999, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines and for victim-assistance and mine-awareness programmes, and commends donor countries for their contributions and assistance to mine action;

26. Expresses concern about the large number of small arms in society and commends the efforts by the Government of Cambodia to control the spread of weapons;

27. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office of the High Commissioner in Cambodia, as defined in resolutions of the General Assembly and the Commission, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing to the Trust Fund;

28. Requests the Secretary-General to report to the Commission at its fifty-seventh session on the role and achievements of the Office of the High Commissioner in assisting the

Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

29. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-seventh session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

67th meeting
26 April 2000
[Adopted without a vote. See chap. XIX.]

2000/80. Advisory services and technical cooperation in the field of human rights

The Commission on Human Rights,

Recalling:

(*a*) That one of the principal purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

(*b*) General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as Commission resolutions 1998/57 of 17 April 1998 and 1999/73 of 28 April 1999,

Recalling also that the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), *inter alia*:

(*a*) Calls upon the Office of the United Nations High Commissioner for Human Rights to assume a larger role in the promotion of human rights through cooperation with Member States and by an enhanced programme of advisory services in the field of human rights,

(*b*) Recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system, and urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate to this end in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication,

(*c*) Recommends that a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the promotion and protection of human rights, democracy and the rule of law,

Mindful that the mandate of the United Nations High Commissioner for Human Rights includes responsibilities, *inter alia*, for:

(*a*) Provision of advisory services and technical and financial assistance at the request of States,

(*b*) Enhancing international cooperation for the promotion and protection of all human rights,

(*c*) Coordination of human rights promotion and protection activities throughout the United Nations system,

(*d*) Coordination of relevant United Nations education and public information programmes in the field of human rights,

Reaffirming that developing and strengthening national capacities and institutions for the promotion of human rights is an important area for international cooperation, Acknowledging the importance of further strengthening the provision of advisory services and technical cooperation by the Office of the High Commissioner,

1. Notes with appreciation the report of the United Nations High Commissioner for Human Rights on advisory services and technical cooperation in the field of human rights (E/CN.4/2000/105) as well as the launching of the High Commissioner's first annual appeal;

2. Declares that advisory services and technical cooperation, when requested by Governments for the purpose of developing and strengthening national capacities in the field of human rights, constitute one of the most efficient and effective means of promoting and protecting all human rights, democracy and the rule of law;

3. Welcomes, therefore, the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights and fundamental freedoms, and encourages all States to consider making use of advisory services and technical cooperation in order to achieve the full enjoyment of all human rights;

4. Calls for a substantial increase in available financial resources, including from voluntary contributions, for advisory services and technical cooperation, which should be managed in a more efficient and coordinated way;

5. Expresses its appreciation for the contributions made to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, welcomes in particular the increasing contributions made by developing countries and invites more Governments and non-governmental organizations to consider contributing;

6. Invites all Governments considering making voluntary contributions to the Office of the United Nations High Commissioner for Human Rights to consider providing unearmarked contributions to the extent possible;

7. Encourages efforts to integrate in a comprehensive manner into technical cooperation programmes economic, social and cultural rights, as well as a clear gender perspective;

8. Reaffirms that United Nations field activities in the area of human rights should, when requested, be complemented by advisory services and technical cooperation projects aimed at producing lasting results through the enhancement of national capacities and the promotion of national institutions;

9. Stresses that, when assisting States in promoting and protecting all human rights and strengthening the rule of law and democracy, priority should be given to technical cooperation programmes designed to address their specific requirements;

10. Affirms that, in order to secure the sustainability of advisory services and technical cooperation projects, these should incorporate qualified national human rights expertise to the extent possible, and further develop and strengthen such expertise;

11. Encourages the Office of the High Commissioner to continue its current practice of making the best use of available human rights expertise relevant to, and, as appropriate, from, the regions where technical cooperation activities are undertaken;

12. Recognizes the usefulness of advisory services and technical cooperation for all countries, and calls upon the Office of the High Commissioner to continue to develop its potential for the promotion and protection of all human rights through advisory services and technical cooperation projects and to accord these activities the highest priority;

13. Notes the interdependence between social and economic development, poverty eradication and the promotion and realization of all human rights, and in this regard welcomes the lead role of the High Commissioner in inter-agency coordination in the field of human rights;

14. Encourages Governments, relevant United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to consult each other in order to elaborate proposals for specific projects to be realized under the programme of advisory services

and technical cooperation in the field of human rights with a view to contributing to practical and tangible change in the human rights situation;

15. Requests the Secretary-General:

(a) To continue, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, to ensure efficient management of the Voluntary Fund, strict and transparent project-management rules and periodic evaluations of the programme and projects and to arrange for the holding of information meetings open to all Member States and organizations directly involved in the programme of advisory services and technical cooperation;

(b) To continue to provide the necessary administrative assistance for the Board of Trustees, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on technical cooperation in the field of human rights;

(c) To submit a further analytical report to the Commission at its fifty-eighth session on the progress and concrete achievements made, as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund ;

16. Decides to continue consideration of this subject at its fifty-eighth session.

67th meeting
26 April 2000
[Adopted without a vote. See chap. XIX.]

2000/81. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant human rights instruments, Recalling its resolution 1999/75 of 28 April 1999,

Bearing in mind Security Council resolution 1265 (1999) of 17 December 1999 on the protection of civilians in armed conflict, the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations (S/1998/883) and General Assembly resolution 54/192 of 17 December 1999 entitled "Safety and security of humanitarian personnel and protection of United Nations personnel",

Recalling Security Council resolution 751 (1992) of 24 April 1992 on the situation in Somalia,

Noting with concern that the persisting lack of a central authority in Somalia has exacerbated the grave situation of human rights in the country,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Expressing satisfaction that, despite all difficulties, the people of the northern regions of Somalia continue to enjoy relative peace and stability, as well as the provision of basic services,

Considering, as stated by the independent expert on the situation of human rights in Somalia, that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

1. Welcomes:

(*a*) The report of the independent expert on the situation of human rights in Somalia (E/CN.4/2000/110 and Corr.1) and the conclusions and recommendations contained therein;

(*b*) The efforts made by the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organization of the Islamic Conference, the

Movement of Non-Aligned Countries, the countries of the Intergovernmental Authority on Development and the Intergovernmental Authority Partners' Forum in favour of peace, and in particular the recent initiative of the President of Djibouti, aimed at restoring peace, stability and reconstruction of the State in Somalia;

(*c*) The establishment of local administrations in areas where peace and stability have been achieved, as well as the role of civil society in this process;

(*d*) The appointment in October 1999 by the United Nations High Commissioner for Human Rights of a human rights officer for Somalia in the framework of the office of the United Nations Resident Humanitarian Coordinator for Somalia, based in Nairobi, and expresses the hope that he will be able to give meaningful assistance to the Somali people through the fulfilment of his mandate to monitor the human rights situation in Somalia, mainstream and integrate a human rights perspective into the work of all the United Nations agencies regarding Somalia, provide technical assistance in the field of human rights, support human rights non-governmental organizations, raise awareness in the area of the administration of justice and assist the independent expert in fulfilling her mandate;

(*e*) The integration by a number of United Nations agencies of human rights issues in their programmes, as reported by the independent expert;

2. Takes note of local efforts in Hargeisa to gather information on allegations concerning war crimes and crimes against humanity and of the need for appropriate investigations throughout Somalia in order to bring perpetrators to justice;

3. Notes with appreciation the important role of mediation and reconciliation that is and can be played by Somali clan elders, other local leaders and members of civil society at the grass-roots level, and urges all parties involved to renew their efforts;

4. Expresses deep concern at reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system, essential to ensure the right to a fair trial in accordance with international standards;

5. Condemns:

(*a*) The widespread violations and abuses of human rights and humanitarian law, in particular against minorities, women and children, as well as the forced displacement of civilians;

(*b*) All violations of international humanitarian law, including forced recruitment of children by the militias and acts of violence such as hostage-taking, abduction and murder, particularly of humanitarian relief workers;

6. Strongly urges all parties in Somalia:

(*a*) To respect human rights and international humanitarian law pertaining to internal armed conflicts;

(*b*) To support, as recommended by the independent expert, the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal justice standards;

(*c*) To protect United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media, and guarantee all persons involved in humanitarian action freedom of movement throughout the country and safe and unhindered access to civilians in need of protection and humanitarian assistance;

7. Calls upon:

(*a*) All parties to the conflict in Somalia to respond positively to peace initiatives;

(*b*) Subregional, regional and international organizations and concerned countries to continue to intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(*c*) Individual donor countries, international organizations and non-governmental organizations further to incorporate human rights principles and objectives in the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert;

(*d*) The international community to provide continuing and increased assistance in response to the United Nations appeals for relief, rehabilitation and reconstruction efforts in all regions of Somalia, including those aimed at the strengthening of civil society, encouraging governance and the re-establishment of the rule of law, and to support the activities of the Office of the United Nations High Commissioner for Human Rights concerning Somalia;

(*e*) All States having information about violations of the provisions of Security Council resolution 733 (1992) of 23 January 1992 concerning a mandatory arms embargo against Somalia, to provide this information to the Committee on Somalia of the Security Council created pursuant to resolution 751 (1992), with a view to supporting the work of the Committee;

8. Commends the work carried out by the independent expert, particularly in assessing the means necessary to establish a programme of advisory services and technical assistance through, *inter alia*, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector;

9. Invites governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

10. Requests the High Commissioner for Human Rights to provide for the translation of the present resolution, accompanied by an appropriate background explanatory note, into the

local language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi;

11. Decides:

(a) To extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requests the independent expert to report to the Commission on Human Rights at its fifty-seventh session;

(b) To request the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner in providing advisory services and technical assistance;

(c) To continue consideration of the question at its fifty-seventh session under the same agenda item.

67th meeting
26 April 2000
[Adopted without a vote. See chap. XIX.]

2000/82. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries, particularly Commission resolution 1999/22 of 23 April 1999, Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, that the latest episodes of financial crisis in Asia and other regions have caused this situation to deteriorate further and that the foreign debt burden is becoming increasingly unbearable for a considerable number of developing countries,

Aware that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

Stressing that the economic globalization process creates new challenges, risks and uncertainties for the implementation and consolidation of development strategies,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Acknowledging that, in spite of the fact that debt reduction schemes have helped to reduce debt, many highly indebted poor countries are still left with the bulk of their debt,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the world level and is especially large in Africa,

Recognizing that foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. Takes note of the joint report submitted by the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and the independent expert on structural adjustment policies, to the Commission on Human Rights at its fifty-sixth session (E/CN.4/2000/51, annex);

2. Stresses that structural adjustment policies have serious implications for the ability of the developing countries to abide by the Declaration on the Right to Development and to formulate national development policies that aim to improve the economic, social and cultural rights of their citizens;

3. Also stresses the importance of continuing to implement immediate, effective and durable actions for alleviating the burdens of debt and debt service of the developing countries with debt problems, in the framework of the realization of economic, social and cultural rights;

4. Affirms that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order which guarantees the developing countries, *inter alia*, better market conditions and commodity prices, stabilization of exchange rates and interest rates, easier access to financial and capital markets, adequate flows of new financial resources and easier access to the technology of the developed countries;

5 Stresses the need for the economic programmes arising from foreign debt to take account of the specific characteristics, conditions and needs of the debtor countries and the need to incorporate the social dimension of development;

6. Affirms that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment polices and economic reforms arising from the debt;

7. Emphasizes the important need for initiatives on foreign debt, in particular in the Heavily Indebted Poor Countries Initiative and the decision of the Paris Club to go beyond the Naples terms, to be implemented completely and flexibly, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in

the context of those initiatives, which is becoming a source of greater concern in the light of the latest symptoms of the international financial crisis;

8. Also emphasizes the need for new financial flows to debtor developing countries from all sources, in addition to debt relief measures that include debt cancellation, and urges creditor countries and the international financial institutions to increase concessional financial assistance on favourable terms, as a means of supporting the implementation of the economic reforms, combating poverty and achieving sustained economic growth and sustainable development;

9. Decides to appoint an independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, for a period of three years;

10. Requests the independent expert to present an analytical report to the Commission, on an annual basis, on the implementation of the present resolution, paying particular attention to:

(*a*) The effects of the foreign debt and the policies adopted to face them on the full enjoyment of all human rights, in particular, economic, social and cultural rights in developing countries;

(*b*) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(*c*) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights;

11. Also requests the independent expert to provide an advance copy of his annual report to the Open-ended working group established to elaborate policy guidelines on structural

adjustment programmes and economic, social and cultural rights in order to assist the group in the fulfilment of its mandate;

12. Decides to discontinue the mandates of:

(*a*) The Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights;

(*b*) The independent expert on structural adjustment policies;

13. Decides to appoint Mr. Fantu Cheru as independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, in order to take advantage of his expertise in this matter;

14. Requests the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to perform his functions;

15. Urges Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

16. Calls upon Governments, international organizations and international financial institutions, as well as non-governmental organizations and the private sector, to take appropriate measures and action for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits organized since the beginning of the 1990s on developments related to the question of external debt;

17. Also calls upon Governments, international financial institutions and the private sector to consider the possibility of cancelling or reducing significantly the debt of the heavily indebted poor countries, giving priority to countries emerging from devastating civil wars or that have been devastated by natural disasters;

18. Urges States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected bythe human immunodeficiency virus/acquired immune deficiency syndrome, so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

19. Recognizes that there is a need for more transparency, participation by all States and consideration of the relevant resolutions of the Commission in the deliberations and activities of international and regional financial institutions;

20. Considers that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities;

21. Requests the Economic and Social Council to authorize the Working Group on Structural Adjustment to meet for two weeks well in advance of, and at least four weeks prior to, the fifty-seventh session of the Commission with the mandate to: (*a*) continue working on the elaboration of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions, and (*b*) report to the Commission at its fifty-seventh session;

22. Reiterates its request to the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular of the least developed countries, and especially the social impact of the measures arising from the foreign debt;

23. Requests the High Commissioner to take urgent action to strengthen the responsiveness of her Office in the area of economic, social and cultural rights;

24. Decides to continue the consideration of this matter at its fifty-seventh session under the same agenda item.

67th meeting
26 April 2000
[Adopted by a roll-call vote of 30 votes to 15,
with 7 abstentions. See chap. X.]

2000/83. Work of the Sub-Commission on the Promotion and Protection of Human Rights

The Commission on Human Rights,

Recalling its resolution 1999/81 of 28 April 1999,

Taking note of:

(*a*) The note by the Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights on enhancing the effectiveness of the Sub-Commission (E/CN.4/Sub.2/1998/38),

(*b*) The note by the Chairperson of the Sub-Commission on the common position of the Sub-Commission on future tasks, length of sessions, working methods, composition and election of members (E/CN.4/Sub.2/1999/47),

(*c*) The report of the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/112), in particular paragraphs 42 to 56,

(*d*) The statement made on 22 March 2000 by the Chairperson of the fifty-sixth session of the Commission under item 3 of its agenda,

1. Reaffirms:

(*a*) Its recognition of the valuable contribution made by the Sub-Commission to the human rights work of the United Nations over the past 53 years;

(*b*) The need for clarification and adjustment of the mandate of the Sub-Commission as outlined in the report of the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights;

2. Decides to consider the issue of the work of the Sub-Commission again at its fifty-seventh session under the relevant agenda item;

3. Invites the Chairperson of the fifty-sixth session of the Commission on Human Rights to address the Sub-Commission at the opening meeting of its fifty-second session and to inform it about the debate that took place on this subject at the fifty-sixth session of the Commission under agenda items 16 and 20.

67th meeting
26 April 2000
[Adopted without a vote. See chap. XVI.]

2000/84. Defamation of religions

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also its resolution 1999/82 of 30 April 1999,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitute an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Recognizing that discrimination based on religion or belief constitutes an offence to human dignity and a violation of human rights, Reaffirming the call of the World Conference on Human Rights for all Governments to take all appropriate measures, in compliance with their international obligations and with due regard to their respective legal systems, to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Alarmed at the serious instances of intolerance, discrimination and acts of violence based on religion or belief, including acts of violence, intimidation and coercion motivated by religious extremism, occurring in many parts of the world and threatening the enjoyment of human rights and fundamental freedoms,

Underlining the importance of creating conditions to foster greater harmony and tolerance within and among societies and conscious of the importance of education in ensuring tolerance of and respect for religion and belief,

Welcoming the designation by the General Assembly of the year 2001 as the United Nations Year of Dialogue among Civilizations,

Expressing its appreciation in this context of the joint efforts of the member States of the Organization of the Islamic Conference and the United Nations High Commissioner for Human Rights in organizing the seminar entitled "Enriching the Universality of Human Rights: Islamic Perspectives on the Universal Declaration of Human Rights" in Geneva on 9 and 10 November 1998,

Emphasizing that non-governmental organizations, religious bodies and communities have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

1. Expresses deep concern at negative stereotyping of religions;

2. Also expresses deep concern that Islam is frequently and wrongly associated with human rights violations and with terrorism;

3. Expresses its concern at any role in which the print, audio-visual or electronic media or any other means is used to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam and any other religion;

4. Urges all States, within their national legal framework, in conformity with international human rights instruments to take all appropriate measures to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance, including attacks on religious places, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. Invites Governments, intergovernmental and regional organizations to provide their views on the religious perspectives of combating racism to the Secretary-General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and invites the Secretary-General of the World Conference, through its preparatory process, to present these inputs to the World Conference;

6. Calls upon the Special Rapporteur on religious intolerance and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to take into account the provisions of the present resolution when reporting to the Commission;

7. Decides to remain seized of the matter.

67th meeting
26 April 2000
[Adopted without a vote. See chap. VI.]

2000/85. Rights of the child

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child, emphasizing that the provisions of this Convention and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child, and reaffirming that the best interest of the child shall be the primary consideration in all actions concerning children,

Reaffirming its resolution 1999/80 of 28 April 1999 and General Assembly resolutions 54/149 and 54/148 of 17 December 1999, as well as all previous resolutions on this subject,

Welcoming the tenth anniversary of the entry into force of the Convention on the Rights of the Child, which constitutes an occasion for the renewal of commitment to the rights of the child,

Welcoming also the preparatory process for the special session of the General Assembly to be convened in 2001 by way of follow-up to the World Summit for Children and encouraging States to participate actively therein in order to promote an effective review of progress made, as well as the identification of obstacles affecting the full implementation of the outcome of the World Summit for Children, as a reaffirmation of their commitment to children, and encouraging the establishment of forward-looking strategies,

Reaffirming the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted in September 1990 by the World Summit for Children (A/45/625, annex) and the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which, *inter alia*, states that national and international mechanisms and programmes for the safeguard and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, female infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions in an increasingly globalized world economy, pandemics, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Alarmed by the reality of daily violations of children's rights, including the right to life, to physical security and to freedom from arbitrary detention, torture and any form of exploitation, as laid out in relevant international instruments,

Reaffirming that the family is the fundamental group of society and the natural environment for the growth and well-being of the children and recognizing that the child should grow up in a family environment and social atmosphere of happiness, love and understanding,

Concerned at the number of illegal adoptions, of children growing up without parents and of child victims of family and social violence, neglect and abuse,

Reaffirming the importance of access by children to the highest attainable standard of social services, which are an integral part of, and contribute positively to, social and economic development and recognizing that the primary responsibility for ensuring provision of and universal access to social services rests with Governments, and that international cooperation to enhance social development would facilitate the provision of basic services for all,

Calling for the further mainstreaming of a gender perspective in all policies and programmes relating to children, Reaffirming the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I) that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights,

Welcoming the adoption, on 26 April 2000, of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (resolution 2000/59, annex B) and of a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (ibid., annex A), which develop the principles and provisions of the Convention and represent an important step towards improving the standards of protection accorded to children,

Welcoming also the unanimous adoption in June 1999 of International Labour Organization Convention No. 182 the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and reaffirming the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, in accordance with obligations under the Convention on the Rights of the Child and the aim of effective abolition of child labour contrary to accepted international standards, giving priority to immediate and concrete action for the elimination of the worst forms of child labour and to the rehabilitation and social reintegration of the children concerned, as well as to the search for alternatives to child labour and for a better socio-economic environment to prevent child labour,

Reaffirming the need for States to ensure that every child alleged to have or recognized as having infringed the penal law is treated with dignity in accordance with their obligations under the Convention on the Rights of the Child and other relevant international human rights instruments, including the International Covenant on Civil and Political Rights, and expressing deep concern, *inter alia*, about cases of children prosecuted without account being taken of their special needs, kept in arbitrary detention, subjected to torture or cruel, inhuman or degrading treatment or punishment or subjected to punishment, contrary to accepted international standards,

Reaffirming also the obligation of States to protect children from torture, other cruel, inhuman or degrading treatment or punishment and other forms of abuse and welcoming the decision of the Committee on the Rights of the Child to devote a theme day during its twenty-fifth session to State violence against children,

Noting with appreciation the commemorative meeting on the tenth anniversary of the Convention on the Rights of the Child held jointly by the Committee on the Rights of the Child and the Office of the United Nations High Commissioner for Human Rights, and taking note of the decision of the Committee to adopt a general comment on child participation as envisaged in the Convention, bearing in mind that participation includes, but is not limited to, consultation and proactive initiatives by children and youth themselves,

Welcoming the proclamation by the General Assembly of the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010) and the Declaration and Programme of Action on a Culture of Peace, which serve as the basis for the International Decade,

Welcoming also the ongoing implementation by the United Nations Children's Fund of the human rights-based approach in fulfilling its mandate to promote the rights of the child, including through its medium-term plan, and encouraging the organization to continue to derive lessons and identify best practices from this process,

Welcoming further the development of a global strategic framework on young people and human immunodeficiency virus/acquired immune deficiency syndrome, based on a human rights approach, initiated by the Joint United Nations Programme on HIV/AIDS working in partnership with Joint Programme co-sponsors and in consultation with relevant parts of the United Nations system, Recognizing that partnership between Governments, international organizations and all sectors of civil society, in particular non-governmental organizations, as well as the private sector, is important to realizing the rights of the child,

Stressing the importance of integrating child-related issues into the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in the year 2001,

I. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

1. Welcomes the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/2000/70);

2. Urges once again those States that have not yet done so to positively consider signing and ratifying or acceding to the Convention as a matter of priority, having in mind the tenth anniversary of its entry into force;

3. Welcomes the unprecedented number of States (191) that have ratified or acceded to the Convention, as an indication of the universal commitment to the rights of the child;

4. Calls upon States parties to implement the Convention fully and to ensure that the rights set forth in the Convention are respected without discrimination of any kind, that the best interests of the child are a primary consideration in all actions concerning children, and that children are able to express their opinions on matters affecting them and that these opinions are listened to and given due weight;

5. Also calls upon States parties to assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views being given due weight in accordance with the age and maturity of the child;

6. Urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

7. Calls upon States parties:

(*a*) To accept, as a matter of priority, the amendment to paragraph 2, article 43, of the Convention;

(*b*) To comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee on the Rights of the Child, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention and to strengthen their cooperation with the Committee;

8. Welcomes the role of the Committee on the Rights of the Child in examining the progress made by States parties in implementing the obligations undertaken in the Convention, and in providing recommendations to States parties on its implementation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in creating awareness of the principles and provisions of the Convention;

9. Calls upon States parties to ensure, when electing the members of the Committee on the Rights of the Child in accordance with article 43 of the Convention, that the members are of high moral standing and recognized competence in the field covered by the Convention, serving in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems;

10. Also calls upon States to strengthen efforts to improve national systems for the collection of comprehensive and disaggregated data, including gender-specific data, for all areas covered by the Convention;

11. Reaffirms the importance of ensuring adequate and systematic training in the rights of the child for professional groups working with and for children,

inter alia, specialized judges, law enforcement officials, lawyers, social workers, medical doctors and teachers, and coordination between various governmental bodies involved in children's rights;

12. Urges States to take all appropriate measures for the implementation of their obligations under the Convention, bearing in mind article 4 of the Convention;

13. Recommends that, within their mandates, all relevant human rights mechanisms, in particular special rapporteurs and working groups, and all other relevant organs and mechanisms of the United Nations system and the specialized agencies regularly and systematically take a child's rights perspective into account in the implementation of their mandates, especially by paying attention to particular situations in which children are in danger and where their rights are violated, and that they take into account the work of the Committee on the Rights of the Child;

14. Decides, with regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, while noting the temporary support given by the plan of action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention, and invites the Committee to continue to enhance its constructive dialogue with the States parties and its transparent and effective functioning;

II. PROTECTION AND PROMOTION OF RIGHTS OF CHILDREN

Identity, family relations and birth registration

15. Calls upon all States:

(*a*) To intensify efforts to ensure the registration of all children immediately after birth, including by the consideration of simplified, expeditious and effective procedures;

(*b*) To undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference and, where a child is illegally deprived of some or all of the elements of his or her identity, to provide appropriate assistance and protection with a view to re-establishing speedily his or her identity;

(*c*) To ensure, as far as possible, the right of the child to know and be cared for by his or her parents;

(*d*) To ensure that a child shall not be separated from his or her parents against their will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures, that such separation is necessary for the best interest of the child; such determination may be necessary in a particular case, such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence;

Health

16. Calls upon all States:

(*a*) And relevant bodies and organizations of the United Nations system, in particular the World Health Organization, to pay particular attention to the development of sustainable health systems and social services to ensure the effective prevention of diseases, malnutrition, disabilities and infant and child mortality, including through prenatal and postnatal health care, as well as the provision of necessary medical treatment and health care to all children, taking into consideration the special needs of young children, including prevention of common infectious diseases, the special needs of adolescents, including those relating to reproductive and sexual health and threats from substance abuse and violence, and the particular needs of children living in poverty, children in situations of armed conflict and in vulnerable groups;

(*b*) And relevant bodies and organizations of the United Nations system, in particular the World Health Organization, to continue to promote education and training of health professionals and other relevant health-related workers in human rights, in particular the rights of the child and the human rights of women and girls;

(*c*) To adopt all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children affected by disease and malnutrition, including protection from all forms of discrimination, abuse or neglect, in particular in the access to and provision of health care;

17. Encourages the Committee on the Rights of the Child to continue to give attention to the realization of the highest attainable standard of health and access to health care, and takes note of the recommendations adopted on HIV/AIDS;

18. Urges Governments to take all necessary measures to protect children infected and/or affected by HIV/AIDS from all forms of discrimination, stigma, abuse and neglect, in particular in the access to and provision of health, education and social services;

19. Calls upon the international community, relevant United Nations agencies, funds and programmes and intergovernmental and non-governmental organizations;

(*a*) To give importance also to the treatment and rehabilitation of the children infected with HIV/AIDS and invites them to consider further involving the private sector;

(*b*) To intensify their support of national efforts against HIV/AIDS aimed at providing assistance to children infected or affected by the epidemic, focusing particularly on the worst-hit regions of Africa and where the epidemic is severely setting back national development gains;

Education

20. Calls upon States:

(*a*) To recognize the right to education on the basis of equal opportunity by making primary education compulsory and ensuring that all children have access to free and relevant primary education, as well as making secondary education generally available and accessible to all, and in particular by the progressive introduction of free education;

(*b*) Which have not been able to secure compulsory primary education, free of charge, to work out and adopt a detailed plan of action for the progressive implementation of the principle of compulsory education free of charge for all;

(*c*) To ensure that emphasis is given to the qualitative aspects of education, that the education of the child is carried out and that States parties develop and implement programmes for the education of the child, in accordance with articles 28 and 29 of the Convention on the Rights of the Child, and that education is directed, *inter alia*, to the development of respect for human rights and fundamental freedoms and to the preparation of the child for a responsible life in a free society, in a spirit of understanding, peace, tolerance, gender equality and friendship among peoples, ethnic, national and religious groups, and persons of indigenous origin;

(*d*) To take all appropriate measures to prevent racist, discriminatory and xenophobic attitudes and behaviour, through education, keeping in mind the important role that children have to play in changing these practices;

(*e*) To remove educational disparities and make education accessible to children living in poverty, children living in remote areas, children with special educational needs and children requiring special protection, including refugee children, migrant children, street children, children deprived of their liberty, indigenous children and children belonging to minorities;

(*f*) And educational institutions and the United Nations system, in particular the United Nations Children's Fund, the United Nations Development Fund for Women and the United Nations Educational, Scientific and Cultural Organization, to develop and implement gender-sensitive strategies to address the particular needs of the girl child in education;

21. Encourages all relevant actors to strengthen action at the national, regional and international levels, particularly through education, to:

(*a*) Ensure that children, from an early age, benefit from education on values, attitudes, modes of behaviour and ways of life to enable them to resolve any dispute peacefully and in a spirit of respect for human dignity and of tolerance and non-discrimination;

(*b*) Involve children in activities for instilling in them the values and goals of a culture of peace;

Freedom from violence

22. Reaffirms the obligation of States to protect children from torture and other cruel, inhuman or degrading treatment or punishment;

23. Calls upon States:

(*a*) To take all appropriate national, bilateral and multilateral measures to prevent all forms of violence against children and to protect them from torture and other forms of violence, including physical, mental and sexual violence, abuse by the police, other law enforcement authorities or employees in juvenile detention centres or orphanages, and domestic violence;

(*b*) To investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

24. Requests all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situations of violence against children, reflecting their experiences in the field;

III. NON-DISCRIMINATION

25. Reaffirms the obligation of States to ensure the rights of the child without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status, and to take all appropriate measures to ensure that the child is protected against all forms of discrimination;

The girl child

26. Reaffirms General Assembly resolutions 54/148 and 54/133 of 17 December 1999 on the girl child and on traditional practices affecting the health of women and the girl child, respectively, and takes note of Sub-Commission on the Promotion and Protection of Human Rights resolution 1999/13 of 25 August 1999 on traditional practices affecting the health of women and the girl child;

27. Calls upon all States:

(*a*) To take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms and to base programmes and policies for the girl child on the rights of the child and women;

(*b*) And non-governmental organizations, individually and collectively, to set goals and to develop and effectively implement gender-sensitive strategies to address the rights and needs of children, in accordance with their obligations under the Convention on the Rights of the Child, especially the rights and particular needs of girls in education, health and nutrition, and to eliminate harmful traditional or customary attitudes and practices against girls;

(*c*) To eliminate all forms of discrimination against girls and the root causes of son preference, which result in harmful and unethical practices, *inter alia* by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls from violence, including female infanticide and prenatal sex selection, genital mutilation, incest, rape, domestic violence, sexual abuse and exploitation, and by developing age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

(*d*) To eradicate traditional or customary practices, particularly female genital mutilation, that are harmful to or discriminatory against women and girls and that are violations of human rights and fundamental freedoms of women and girls through the development and implementation of legislation and policies prohibiting such practices, the prosecution of perpetrators of such practices, and awareness-raising programmes, education and training, involving, among others, leaders of public opinion, educators, religious leaders, medical practitioners, women's health and family planning organizations, the media, parents and young people, in order to achieve the total elimination of these practices, and to support women's organizations at the national and local levels that are working for the elimination of female genital mutilation and other harmful traditional or customary practices violating the human rights of women and girls;

(*e*) To enact and enforce strictly laws to ensure that marriage is entered into only with the free and full consent of the intending spouses, to enact and to enforce strictly laws concerning the minimum legal age of consent and the minimum age for marriage and to raise the minimum age for marriage where necessary;

28. Urges the Office of the United Nations High Commissioner for Human Rights to provide administrative assistance to the Special Rapporteur on traditional practices affecting the health of women and the girl child of the Sub-Commission on the Promotion and Protection of Human Rights to enable her to proceed with her work;

Children with disabilities

29. Calls upon all States:

(*a*) To adopt all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities and to develop policy measures and to develop and enforce legislation prohibiting discrimination against children with disabilities;

(*b*) To adopt an integrated approach to providing adequate support and appropriate education for children with disabilities and their parents, in a manner which promotes the child's achievement of self-reliance and the fullest possible social integration, individual development and active participation in the community;

Migrant children

30. Also calls upon States:

(*a*) To protect all the human rights of migrant children, in particular unaccompanied migrant children, and ensure that the best interests of the child shall accordingly be a primary consideration, and encourages the Committee on the Rights of the Child, the United Nations Children's Fund and other relevant United Nations bodies, within their respective mandates, to pay particular attention to the conditions of migrant children, and as appropriate, make recommendations to strengthen their protection;

(*b*) To cooperate fully with and assist the Special Rapporteur on the human rights of migrants, in order to address the particular vulnerable conditions of migrant children;

IV. PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN IN PARTICULARLY VULNERABLE SITUATIONS

Children working and/or living on the street

31. Further calls upon all States:

(*a*) To examine and devise comprehensive economic and social solutions, at the national and international levels, to the problems causing children to work and/or to live on the street;

(*b*) To adopt, promote and implement appropriate programmes and policies for the protection and the rehabilitation and reintegration of these children, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect, especially the girl child;

(*c*) To ensure that services are provided for children to divert them from, and address the economic imperatives for, involvement in harmful, exploitative and abusive activity;

(*d*) To recognize the right to education by making primary education compulsory, to ensure that all children have access to free primary education as a key strategy to prevent children working on the street, recognizing in particular the important role of the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund in this regard, to recognize that primary education is one of the main instruments for reintegrating child workers and to develop and implement programmes designed to integrate working children into the formal education sector;

(*e*) To take the situation of children working and/or living on the street into account when preparing reports to the Committee on the Rights of the Child, and encourages the Committee and other relevant bodies and organizations of the United Nations system, within their existing mandates, to increase attention to the question of children working and/or living on the street;

(*f*) To guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent and effective measures to prevent the killing of children working and/or living on the street and to combat torture and violence against them, as well as their recruitment into armed forces or groups in breach of international standards and their sexual exploitation, to bring the perpetrators to justice and to ensure strict compliance with applicable international human rights instruments, including the Convention on the Rights of the Child, including the requirement that legal and juridical processes respect the rights of the child;

Refugee and internally displaced children

32. Calls upon all States:

(*a*) And other parties to armed conflicts to bear in mind that refugee and internally displaced children are particularly exposed to risks in connection with armed conflicts, such as being recruited in violation of international standards or subjected to sexual violence, abuse or exploitation, and stresses the special vulnerability of unaccompanied refugee and internally displaced children, and calls upon Governments and United Nations bodies and organizations to give those situations urgent attention, enhancing protection and assistance mechanisms;

(*b*) To increase protection of refugee and internally displaced children, including through policies for their care, well-being and development, in such areas as health, education and psychosocial rehabilitation, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the Representative of the Secretary-General on internally displaced persons and the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, in accordance with their obligations under the Convention on the Rights of the Child;

(*c*) And United Nations bodies and agencies, in coordination with other international humanitarian organizations such as the International Committee of the

Red Cross, to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to pay particular attention to the special protection needs of children with a view to developing programmes for voluntary repatriation, local integration and resettlement;

(*d*) To cooperate with and assist the Representative of the Secretary-General in his ongoing efforts to pay specific attention to the special needs of children;

Progressive elimination of child labour

33. Calls upon all States:

(*a*) To translate into concrete action their commitment to the progressive and effective elimination of child labour contrary to accepted international standards and urges them, as a matter of priority, to eliminate the worst forms of child labour, such as forced labour, forced or compulsory recruitment of children for use in armed conflict, bonded labour and other forms of slavery;

(*b*) That have not yet done so to consider ratifying the conventions of the International Labour Organization relating to child labour, in particular Convention No. 182 (1999)concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Convention No. 29 (1930) concerning Forced or Compulsory Labour and Convention No. 138 (1973) concerning Minimum Age for Admission to Employment;

(*c*) To examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to child labour contrary to accepted international standards;

(*d*) To promote education as a key strategy to prevent child labour contrary to accepted international standards, including the creation of vocational training opportunities and apprenticeship programmes and integrating working children into the formal education system;

34. Also calls upon all States systematically to assess and examine the magnitude, nature and causes of child labour and to elaborate and implement strategies for the elimination of child labour contrary to accepted international standards, giving special attention to specific dangers faced by girls, as well as to the rehabilitation and social reintegration of the children concerned;

Children alleged to have or recognized as having infringed the penal law

35. Reaffirms the need for States to ensure that every child alleged to have or recognized as having infringed the penal law is treated with dignity in accordance with their obligations under the Convention on the Rights of the Child and other relevant international human rights instruments, including the International Covenant on Civil and Political Rights, expressing deep concern, *inter alia*, about cases of children prosecuted without account being taken of their special needs, kept in arbitrary detention, subjected to torture or cruel, inhuman or degrading treatment or punishment or subjected to punishment contrary to accepted international standards and, in this regard, calls upon States to take all the necessary measures to protect children from these practices;

36. Calls upon States:

(*a*) To ensure that all structures, procedures and programmes in the administration of justice with regard to children who infringe the penal law promote their re-education and rehabilitation, encouraging, whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, and providing that human rights and legal safeguards are fully respected;

(*b*) To take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children are separated from adults, to the greatest extent feasible, unless it is considered in their best interest not to do so;

(*c*) Also to take appropriate steps to ensure that no child in detention is sentenced to forced labour or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education and basic instruction, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention on the Rights of the Child;

(*d*) Parties to comply with the Convention, in their national legislation and practice, and all States to bear in mind the Guidelines for Action on Children in the Criminal Justice System which appear in the annex to Economic and Social Council resolution 1997/30 of 21 July 1997, the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) adopted by the General Assembly in resolution 45/112 of 14 December 1990, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) adopted by the Assembly in resolution 40/33 of 29 November 1985 and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty adopted by the Assembly in resolution 45/113 of 14 December 1990, taking into account the best interest of the child;

V. PREVENTION AND ERADICATION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

37. Welcomes the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2000/73 and Add.1-3);

38. Calls upon States:

(*a*) To take:

(i) All appropriate national, bilateral and multilateral measures to ensure the effective application of relevant international standards concerning the prevention and the combat of trafficking and sale of children, child prostitution and child pornography and encourages all actors of civil society and the media to cooperate in efforts to this end;

(ii) Into account the particular problems posed by the use of the Internet in this regard and to protect children from the practices referred to in subparagraph (i) above, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interest of the child shall be a primary consideration, and taking into account the concrete measures outlined in the Vienna Declaration and Programme of Action and in the programmes of action adopted by the Commission in 1992, 1993 and 1996;

(*b*) And, in this regard, to enact, review and revise, where appropriate, relevant laws, policies, programmes and practices;

(*c*) And, in this context, to consider the positive input by other international initiatives outside the United Nations system and to encourage regional and interregional efforts with the objective of identifying best practices and issues requiring particularly urgent action, such as the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in August 1996 (A/51/385, annex), and the Declaration of the Vienna International Conference on Combating Child Pornography on the Internet, held in Vienna from 29 September to 1 October 1999;

(*d*) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, including child sex tourism, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interest of the child shall be a primary consideration, and to take effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the offender's country of origin or in the country of destination, in accordance with due process of law;

39. Requests States to increase cooperation and concerted action, at the national, regional and international levels, including in the context of the United Nations, by all relevant authorities and institutions, in particular law enforcement authorities, in order to adopt and implement effective measures, including the sharing of relevant data, for the prevention and eradication of child sex tourism, the sale of children and of their sexual exploitation and abuse, and to prevent and dismantle networks trafficking in children;

40. Stresses the need to combat the existence of a market that encourages such criminal practices against children, including through preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children;

41. Encourages Governments to facilitate the active participation of child victims of sexual exploitation or abuse in the development and implementation of strategies to protect children from sexual exploitation and abuse;

42. Expresses its support for the work of the Special Rapporteur on the sale of children, calls upon States to cooperate closely with and assist her and to furnish all information requested, including by inviting her to visit their countries, invites further voluntary contributions through the Office of the United Nations High Commissioner for Human Rights and all the necessary human and financial assistance to be provided for her work for the effective fulfilment of her mandate and to enable her to submit an interim report to the General Assembly at its fifty-fifth session and a report to the Commission at its fifty-seventh session;

VI. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

43. Welcomes the report of the Special Representative of the Secretary-General on children and armed Conflict to the General Assembly at its fifty-fourth session (A/54/430, annex) and his additional report to the Commission at its present session (E/CN.4/2000/71);

44. Calls upon all States:

(*a*) And other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977;

(*b*) And relevant United Nations bodies and agencies and regional organizations to integrate the rights of the child into all activities in conflict and post-conflict situations, including training programmes and emergency relief operations, country programmes and field operations aimed at promoting peace and preventing and resolving conflicts, as well as negotiating and implementing peace agreements and, given the long-term consequences for society, underlines the importance of including specific provisions for children, including resourcing, in peace agreements and in arrangements negotiated by parties;

45. Calls upon all States and other parties concerned to continue to cooperate with the Special Representative, to implement the commitments they have undertaken, to consider carefully all the recommendations of the Special Representative and to address the issues identified, and welcomes the continued support and voluntary contributions that are being provided to the work of the Special Representative;

46. Recognizes, in this regard, the contribution of the establishment of the International Criminal Court to ending impunity for perpetrators of certain crimes committed against children, as defined in the Rome Statute of the Court (art. 8) (A/CONF.183/9, *inter alia* those involving sexual violence or child soldiers, and thus to the prevention of such crimes, and calls upon States to consider signing and ratifying the Rome Statute;

47. Condemns the abduction of children in situations of armed conflict and into armed conflicts, urges States, international organizations and other concerned parties to take all appropriate measures to secure the unconditional release of all abducted children and urges States to bring the perpetrators to justice, in accordance with due process of law;

48. Notes the importance of the second debate held by the Security Council, on 25 August 1999, on children and armed conflict and the undertaking by the Council to give special attention to the protection, welfare and rights of children when taking action aimed at maintaining peace and security, and reaffirms the essential role of the General Assembly and the Economic and Social Council for the promotion and protection of the rights and welfare of children;

49. Calls upon all parties to armed conflicts to ensure the full, safe and unhindered access of humanitarian personnel and the delivery of humanitarian assistance to all children affected by armed conflict;

50. Calls upon States and relevant United Nations bodies to continue to support national and international mine action efforts, including by financial contributions, mine awareness programmes, victim assistance and child-centred rehabilitation, taking note of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and its implementation by those States that become parties to it, and welcomes the positive effects on children of concrete legislative measures with respect to anti-personnel mines;

51. Notes with concern the impact of small arms and light weapons on children in situations of armed conflict, in particular as a result of their illicit production and traffic, and calls upon States to address this problem;

52. Welcomes the ongoing efforts by, *inter alia*, regional organizations, intergovernmental organizations and non-governmental organizations to ensure the effective application of international standards concerning the participation of children in armed conflict, and their demobilization, recovery and social reintegration;

53. Urges all parties to armed conflicts to ensure that the protection, welfare and rights of children are taken into account during peace negotiations and throughout the process of consolidating peace in the aftermath of conflict;

54. Urges States and United Nations agencies and bodies, in particular the United Nations Children's Fund, non-governmental organizations and the Special Representative of the Secretary-General, to continue to focus attention on those who involve children as soldiers in armed conflicts in breach of international standards;

55. Decides, with regard to the Special Representative of the Secretary-General on children and armed conflict, to recommend that the Special Representative and the relevant parts of the United Nations system continue to develop a concerted approach on the rights, protection and welfare of children affected by armed conflict, and to increase cooperation among their respective mandates and with national and international non-governmental organizations including, as appropriate, in the planning of field visits and follow-up to the recommendations of the Special Representative;

56. Recommends that, whenever sanctions are imposed in the context of armed conflict their impact on children be assessed and monitored and, to the extent that they are humanitarian exemptions, they be child-focused and formulated with clear guidelines for their application, and reaffirms the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent;

VII. RECOVERY AND SOCIAL REINTEGRATION

57. Urges States and all other relevant actors:

(*a*) To take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of any form of neglect; exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts;

(*b*) To allocate appropriate resources for comprehensive and gender-sensitive programmes for the recovery of child victims of the above-mentioned violations of the rights of the child;

58. Encourages States to cooperate, including through bilateral and multilateral technical cooperation and financial assistance, in the implementation of their obligations under the Convention on the Rights of the Child, including in the prevention of any activity contrary to the rights of the child and in the rehabilitation and social integration of the victims, such assistance and cooperation to be undertaken in consultation by concerned States and other relevant international organizations;

VIII

59. Decides:

(a) To request the Secretary-General to submit to the Commission at its fifty-seventh session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in the present resolution;

(b) To continue its consideration of this question at its fifty-seventh session under the same agenda item.

68th meeting
27 April 2000
[Adopted without a vote. See chap. XIII.]

2000/86. Human rights and thematic procedures

The Commission on Human Rights,

Considering that thematic procedures established by the Commission with regard to the consideration of questions related to the promotion and protection of all human rights, being a major achievement and representing an essential element of the United Nations efforts to promote and protect internationally recognized human rights, have an important role among its human rights monitoring mechanisms, Emphasizing the importance of the impartiality, objectivity and independence of the thematic procedures, as well as the need for due attention to violations of all human rights wherever they may occur,

Noting with satisfaction that an increasing number of Governments have developed a working relationship with the thematic procedures, in particular in the form of invitations to visit, responses to requests for information and implementation of recommendations, and that numerous non-governmental organizations have also developed a working relationship with the thematic procedures,

Welcoming General Assembly resolution 53/144 of 9 December 1998 by which the Assembly adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and recalling its own resolution 1999/66 of 28 April 1999 on the implementation of the Declaration,

Emphasizing the obligation of all Governments not to subject individuals, organizations or groups of persons who have provided information to the special procedures to adverse treatment as a result of such action,

Recalling the applicability of the provisions of the Convention on the Privileges and Immunities of the United Nations to the work of the experts of the special procedures system in the exercise of their functions,

Recalling also all its resolutions on human rights and thematic procedures,

Recalling further:

(*a*) The recommendations concerning thematic procedures contained in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which called for the strengthening of special procedures, (*b*) The Secretary-General's programme for United Nations reform (A/51/950 and Add.1-7), which calls for mainstreaming human rights in United Nations activities,

(*c*) The report of the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission (E/CN.4/2000/112),

Mindful of the request of the Secretary-General to the High Commissioner to review the human rights machinery and develop recommendations on possible ways to streamline and rationalize it, with a view to strengthening, *inter alia*, the special procedures,

Welcoming the organization by the High Commissioner of annual meetings of the holders of mandates, as recommended by the World Conference on Human Rights, and the efforts to coordinate activities among various mandates in the areas of urgent actions, missions to the field and relevant meetings and consultations, so as to enhance their effectiveness, taking into account the need to avoid unnecessary duplication and overlapping,

Noting that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

Noting also that children are frequently subject to abuses of their human rights and deserve specific attention in the context of reporting on violations of their human rights,

Noting further that members of particular groups, including but not necessarily limited to, national or ethnic, religious and linguistic minorities, migrants, human rights defenders, indigenous persons, persons with disabilities, persons affected by human immunodeficiency virus/acquired immune deficiency syndrome and elderly persons may be especially vulnerable to abuses of their human rights and may deserve specific attention in the context of reporting on violations of their human rights,

1. Commends those Governments that have invited the thematic special rapporteurs, representatives, experts or working groups to visit their countries and developed other forms of intensive cooperation with the thematic procedures;

2. Encourages all Governments to cooperate with the Commission through the pertinent thematic procedures by :

(*a*) Responding without undue delay to requests for information made to them through the thematic procedures, so that the procedures may carry out their mandates effectively;

(*b*) Considering inviting thematic special rapporteurs, representatives, experts and working groups to visit their countries;

(*c*) Considering follow-up visits with a view to the effective implementation of recommendations by the thematic procedures concerned;

3. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed without undue delay on the progress made towards their implementation;

4. Invites non-governmental organizations to continue and to strengthen their cooperation with thematic procedures and to ensure that the material provided is as detailed and accurate as possible and falls under the mandate of these procedures;

5. Requests the thematic special rapporteurs, representatives, experts and working groups:

(*a*) To make recommendations for the prevention of human rights violations;

(*b*) To follow closely and reflect in their reports progress made by Governments in the investigations carried out within their respective mandates;

(*c*) To continue close cooperation with relevant treaty bodies and country rapporteurs;

(*d*) To include in their reports information provided by Governments on follow-up action, as well as their own observations thereon, including in regard to both problems and improvements, as appropriate;

(*e*) To include regularly in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of their human rights;

(*f*) To address also in their reports the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against children, or to which children are particularly vulnerable, in order to ensure the effective protection of their human rights, and, if possible, to include also age-disaggregated data;

6. Also requests the thematic special rapporteurs, representatives, experts and working groups to include in their reports comments on problems of responsiveness and the result of analyses, as appropriate, in order to carry out their mandates even more effectively, and to include also in their reports suggestions as to areas where Governments might request relevant assistance through the programme of advisory services administered by the Office of the High Commissioner for Human Rights;

7. Requests the Secretary-General, taking note of the recommendations of the meetings of the special rapporteurs, representatives, experts, chairpersons of working groups of the Commission and chairpersons of treaty bodies, to convene

further such periodic meetings in order to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations;

8. Encourages the United Nations High Commissioner for Human Rights, including in the follow-up to the five-year review of the Vienna Declaration and Programme of Action, to further strengthen cooperation among the thematic special rapporteurs, representatives, experts, members and chairpersons of working groups of the Commission and other relevant United Nations bodies, including the human rights treaty bodies, with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

9. Suggests that the special rapporteurs, representatives, experts and working groups of the special procedures of the Commission, acting within their mandates, consider how they can also promote public awareness about human rights and about the particular situation of individuals, groups and organs of society who promote and protect human rights and fundamental freedoms;

10. Requests the Secretary-General:

(*a*) To issue annually and sufficiently early, in close collaboration with the thematic special rapporteurs, representatives, experts and working groups, their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

(*b*) To present annually a list of all persons currently mandated to carry out the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of each session of the Commission ;

11. Also requests the Secretary-General, in implementing the United Nations budget for the current biennium, to ensure the availability of such resources as are necessary for the Office of the High Commissioner to support the effective implementation of all thematic mandates, including any additional tasks

entrusted to the thematic special rapporteurs, representatives, experts and working groups by the appropriate United Nations organs;

12. Decides to continue its consideration of this question at its fifty-seventh session.

68th meeting
27 April 2000
[Adopted without a vote. See chap. XVIII.]

2000/87. Establishment of a Permanent Forum on Indigenous Issues

The Commission on Human Rights,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution 3.]

68th meeting
27 April 2000
[Adopted by a roll-call vote of 43 votes to none, with 9 abstentions.
See chap. XV.]

B. Decisions

2000/101. Organization of work

At its 2nd meeting, on 21 March 2000, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(*a*) In connection with item 5: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;

(*b*) In connection with item 6: Mr. M. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(*c*) In connection with item 7: Mr. A. Sengupta, independent expert on the right to development;

(*d*) In connection with item 8: Mr. G. Giacomelli, Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967;

(*e*) In connection with item 9: Mr. G. Gallón, Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea;

(*f*) In connection with item 9: Mr. M. Copithorne, Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran;

(*g*) In connection with item 9: Mr. J. Dienstbier, Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

(*h*) In connection with item 9: Mr. L. Franco, Special Rapporteur on the situation of human rights in the Sudan;

(*i*) In connection with item 9: Mr. R. Garretón, Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;

(*j*) In connection with item 9: Mr. K. Hossain, Special Rapporteur on the situation of human rights in Afghanistan;

(*k*) In connection with item 9: Mr. R. Lallah, Special Rapporteur on the situation of human rights in Myanmar;

(*l*) In connection with item 9: Mr. M. Moussalli, Special Representative of the Commission on the situation of human rights in Rwanda;

(*m*) In connection with item 9: Ms. M.-T. Kéita-Bocoum, Special Rapporteur on the situation of human rights in Burundi;

(*n*) In connection with item 9: Mr. A. Mavrommatis, Special Rapporteur on the situation of human rights in Iraq;

(*o*) In connection with item 9 (*b*): Mr. F. Yimer, Chairperson-Rapporteur of the Working Group on Communications of the Sub-Commission on the Promotion and Protection of Human Rights; representatives of States in respect of which situations were being considered under item 9 (*b*);

(*p*) In connection with item 10: Mr. F. Cheru, independent expert on structural adjustment;

(*q*) In connection with item 10: Mr. R. Figueredo, Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights;

(*r*) In connection with item 10: Ms. F.Z. Ouhachi-Vesely, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;

(*s*) In connection with item 10: Ms. A.-M. Lizin, independent expert on the question of human rights and extreme poverty;

(*t*) In connection with item 10: Ms. K. Tomasevski, Special Rapporteur on the right to education;

(*u*) In connection with item 11 (*a*): Mr. L. Joinet, Vice-Chairperson of the Working Group on Arbitrary Detention;

(*v*) In connection with item 11 (*a*): Sir Nigel S. Rodley, Special Rapporteur on the question of torture;

(*w*) In connection with item 11 (*a*): Ms. E. Odio Benito, Chairperson-Rapporteur of the Open-ended working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*x*) In connection with item 11 (*a*): Mr. J. Walkate, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture;

(*y*) In connection with item 11 (*b*): Mr. I. Tosevski, Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(*z*) In connection with item 11 (*b*): Ms. A. Jahangir, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(*aa*) In connection with item 11 (*c*): Mr. A. Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

(*bb*) In connection with item 11 (*d*): Mr. P. Cumaraswamy, Special Rapporteur on the independence of judges and lawyers;

(*cc*) In connection with item 11 (*d*): Mr. C. Bassiouni, independent expert on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms;

(dd) In connection with item 11 (*e*): Mr. A. Amor, Special Rapporteur on religious intolerance;

(*ee*) In connection with item 12: Ms. D. Simonovic, Chairperson of the Commission on the Status of Women;

(*ff*) In connection with item 12 (*a*): Ms. R. Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences;

(*gg*) In connection with item 13: Ms. C. von Heidenstam, Chairperson-Rapporteur of the Open-ended inter-sessional working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

(*hh*) In connection with item 13: Ms. O. Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography;

(*ii*) In connection with item 13: Mr. J.I. Mora Godoy, Chairperson-Rapporteur of the Open-ended inter-sessional working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(*jj*) In connection with item 13: Mr. O.A. Otunnu, Special Representative of the Secretary-General on children and armed conflict;

(*kk*) In connection with item 14 (*a*): Ms. G. Rodríguez Pizarro, Special Rapporteur on the human rights of migrants;

(*ll*) In connection with item 14 (*c*): Mr. F.M. Deng, Representative of the Secretary-General on internally displaced persons;

(*mm*) In connection with item 14 (*d*): Swami Agnivesh, Chairperson of the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery;

(*nn*) In connection with item 14 (*d*): Mr. B. Lindquist, Special Rapporteur of the Commission for Social Development;

(*oo*) In connection with item 15: Mr. P. Wille, Chairperson-Rapporteur of the working group on a permanent forum for indigenous people;

(*pp*) In connection with item 15: Mr. L. E. Chavez, Chairperson-Rapporteur of the Working Groupon a draft United Nations declaration on the rights of indigenous peoples;

(*qq*) In connection with item 15: Ms. V. Tauli-Corpuz, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations;

(*rr*) In connection with item 15: Mr. M. Dodson, Chairperson of the Advisory Group of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People;

(*ss*) In connection with item 16: Mr. R. Hatano, Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-first session;

(*tt*) In connection with item 19: Ms. M. Rishmawi, independent expert on the situation of human rights in Somalia;

(*uu*) In connection with item 19: Mr. T. Hammarberg, former Special Representative of the Secretary-General for human rights in Cambodia;

(*vv*) In connection with item 19: Ms. L.I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(*ww*) In connection with item 19: Mr. A. Dieng, independent expert on the situation of human rights in Haiti.

2000/102. Globalization and its impact on the full enjoyment of all human rights

At its 52nd meeting, on 17 April 2000, the Commission on Human Rights, recalling its resolution 1999/59 of 28 April 1999 and taking note of resolution 1999/8 of 25 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to endorse the appointment of Mr. J. Oloka-Onyango and Ms. Deepika Udagama as Special Rapporteurs to undertake a study on the issue of globalization and its impact on the full enjoyment of all human rights, paying specific attention to the recommendations made by the Sub-Commission and the Commission so as to refine the focus and methods of the study, and to recommend the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 44.]

[See chap. X.]

2000/103. Question of human rights in Cyprus

At its 56th meeting, on 18 April 2000, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (*a*), entitled "Question of human rights in Cyprus", of the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world" and to give it due priority at its fifty-seventh session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation.

[See chap. IX.]

2000/104. The rights of non-citizens

At its 62nd meeting, on 25 April 2000, the Commission on Human Rights, taking note of resolution 1999/7 of 25 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to recommend the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 45.]

[See chap. VI.]

2000/105. Postponement of consideration of draft resolution E/CN.4/2000/L.63

At its 63rd meeting, on 25 April 2000, the Commission on Human Rights decided, without a vote, to postpone consideration of draft resolution E/CN.4/2000/L.63, entitled "Human rights and indigenous affairs", to the next session of the Commission.

[See chap. XV.]

2000/106. Study on indigenous land rights

At its 63rd meeting, on 25 April 2000, the Commission on Human Rights, taking note of resolution 1999/21 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights and recalling its own decisions 1997/114 of 11 April 1997 and 1999/106 of 27 April 1999 and of the submission by the Special Rapporteur on indigenous peoples and their relationship to land of a second progress report rather than a final report to the Sub-Commission as requested therein, decided, without a vote, to approve the Sub-Commission's request to the Secretary-General to transmit as soon as possible the second progress report on the working paper on indigenous people and their relationship to land (E/CN.4/Sub.2/1999/18) to Governments, indigenous people and intergovernmental and non-governmental organizations for their comments, data and suggestions, and to request the Secretary-General to provide, from within existing resources, the Special Rapporteur with all the assistance necessary to enable her to submit her final working paper to the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights at its eighteenth session and to the Sub-Commission at its fifty-second session.

[See chap. XV.]

2000/107. The Social Forum

The Commission on Human Rights, taking note of resolution 1999/10 of 25 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the holding of a Social Forum during the fifty-second session of the Sub-Commission and, recalling its resolution 1999/53 of 27 April 1999, decides that, in the light of the developments in its work, the Sub-Commission should further review during its fifty-second session its proposal to hold a forum on economic, social and cultural rights.

[See chap. X.]

2000/108. Reservations to human rights treaties

At its 66th meeting, on 26 April 2000, the Commission on Human Rights, taking note of resolution 1999/27 of 26 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights and the working paper submitted by Ms. Françoise Hampson (E/CN.4/Sub.2/1999/28 and Corr.1) pursuant to Sub-Commission decision 1998/113 of 26 August 1998, decided, without a vote, to request the Sub-Commission to request Ms. Hampson to submit to the Sub-Commission at its fifty-second session revised terms of reference for her proposed study on reservations to human rights treaties, further clarifying how this study would complement work already under way on reservations to human rights treaties, in particular by the International Law Commission.

[See chap. XVII.]

2000/109. Enhancing the effectiveness of the mechanisms of the Commission on Human Rights

At its 67th meeting, on 26 April 2000, the Commission on Human Rights decided, without a vote:

(*a*) To approve and implement comprehensively and in its entirety the report of the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission (E/CN.4/2000/112) (see annex below) adopted by consensus by the Working Group on 11 February 2000;

(*b*) Recalling the Chairperson's statement of 22 March 2000, To emphasize the importance and relevance to its work of all aspects of the report, including the general approach outlined and the specific considerations set out in the individual chapters;

(*c*) To facilitate the implementation of the report of the Working Group in its entirety, to transmit to the Economic and Social Council the following specific draft resolution and draft decisions which require the approval of the Council.

[For the text, see chap. I, sect. A, draft resolution 4, and section B, draft decision 46.]

[See chap. XX.]

ANNEX

Report of the Inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights

Introduction

1. The Working Group met for a total of 15 days (28 September - 1 October 1999, 6-10 December 1999, 18-19 January 2000, 7-11 February 2000). The purpose of the Group, as made clear in its title, was to enhance the effectiveness of the mechanisms of the Commission on Human Rights. The basis for its work was the statement by the Chairperson of the fifty-fifth session of the Commission approved by consensus by the Commission on 29 April 1999. The present report to the Commission was adopted by the Working Group on the basis of consensus, in accordance with the approach outlined in the Chairperson's statement.

2. The Working Group had before it the report of the Bureau of the fifty-fourth session of the Commission (E/CN.4/1999/104) and a range of other inputs. The documents tabled during the Working Group meetings are listed in the annex.

3. The Working Group expresses its appreciation to the representative of the Sub-Commission on the Promotion and Protection of Human Rights and to the representatives of the special rapporteurs, special representatives and independent experts for their participation in the relevant parts of the discussion.

CHAPTER ONE

General approach

4. The Working Group wishes to outline some features which characterized its deliberations.

(i) A coherent approach. In keeping with its mandate, the Working Group sought to proceed in a manner which was focused and result-oriented, while at the same time maintaining the necessary coherence and comprehensiveness. It gave particular attention to the specific areas identified in the Chairperson's statement of 29 April and this report contains a series of recommendations in these areas. The Working Group, however, was conscious throughout that the United Nations machinery for protecting and promoting human rights is extensive and complex and that none of the component parts functions in isolation from each other. It therefore situates its report in this wider context.

(ii) Conceptual consistency. The Group also sought to ensure that its recommendations to the Commission would be underpinned with a conceptual consistency.

- In addition to recommendations on specific mandates, it proposes some general criteria which would help to guide decision-making on the rationalization of current and the establishment of future mandates.

- In a variety of instances (elections to the Sub-Commission; continuance both of special procedures working groups and Sub-Commission working groups rather than replacement by special rapporteurs), it has favoured the maintenance of approaches which were felt to be more democratic and representative than the proposed alternatives.
- It also has sought to adopt a consistent approach in seeking to balance the benefits of continuity with the benefits of renewal: following the decision of the Commission at its fifty-fifth session to introduce time limits for Special Rapporteurs, the Working Group recommends time limits for membership of special procedures working groups.

(iii) Balance. The balance to be struck between civil and political rights and economic, social and cultural rights was a recurring theme in the Group's work. The Group was agreed that, while a mathematical approach was inappropriate, it was reasonable to expect that the accepted equal importance of both sets of rights should find a broad reflection in the United Nations human rights machinery. This underlying consideration conditions a number of the comments and recommendations made in the report.

The Commission's network of special procedures

5. The Group agreed that the network of thematic special procedures is in need of rationalization and strengthening and that this requires a multi-pronged approach. Its recommendations on rationalization are contained in paragraphs 12 to 22 below. Other issues of relevance considered by the Group include selection of the mandate holders, quality of support to the mandates from the Office of the High Commissioner for Human Rights and coherence in the work of the Rapporteurs. Its recommendations in these areas are set out in the following paragraphs.

Selection of mandate holders

6. To assist in the selection of the most suitable individuals to hold mandates, a list of possible candidates should be maintained by the Office of the High Commissioner for Human Rights. The list should comprise the names and curricula vitae of highly qualified individuals who would be suitable and willing to serve as rapporteurs in particular areas. The list should be constantly updated and every effort made to ensure that it is representative of different geographical areas and different legal systems, as well as having a gender balance. To ensure as extensive a list as possible, contributions should be encouraged from States and from all appropriate sources including non-governmental organizations in consultative status with the Economic and Social Council; the Secretariat is also encouraged to contribute names of suitable persons. The list should be posted on the Web site of the Office of the High Commissioner for Human Rights (OHCHR), as well as being available at the Office.

7. Selection of mandate holders will continue to be the responsibility of the Chairperson following formal consultation with the Bureau and the regional groups through the regional coordinators. In appointing mandate holders, the professional and personal qualities of the

individual - expertise and experience in the area of the mandate, integrity, independence and impartiality - will be of paramount importance. Due regard should also be had to an overall geographical and gender balance among the mandate holders, as well as to ensuring familiarity with different legal systems. The Chairpersons would give priority consideration to suitable names on the list; however, this should not exclude - exceptionally, if the requirements of a particular post justify it - consideration of additional nominations put forward for a specific vacancy. An individual should not hold more than one mandate at a given time.

Support to mandate holders

8. It is acknowledged that the level of support available to the mechanisms is not commensurate with their activities and the importance of their responsibilities. The Working Group considers the financial situation of OHCHR needs to be significantly improved through increased contributions from the United Nations regular budget, so as to ensure collective responsibility and an adequate allocation of resources to all mandates. In this respect, it reaffirms that the procedure set out in General Assembly resolution 41/213 regarding the financing of mandated activities and programmes should be applied. The Working Group notes that improved provision from the regular budget can be importantly supplemented by increased voluntary funding.

9. The Group also underlines the importance of a balanced allocation of resources at OHCHR, consistent with the High Commissioner's emphasis on the equal priority to be accorded to civil and political rights and economic, social and cultural rights. It notes the High Commissioner's call for voluntary contributions to be unearmarked as far as possible so as to offer improved flexibility in resource allocation within the Office. It welcomes and encourages regular briefings by the Office on resource availability and allocation.

Coherence in the work of rapporteurs

10. The Working Group underlines the independence and individual responsibility of each mandate holder. However, some organizational aspects of their work will continue to benefit from collective consideration at the annual meeting of special rapporteurs and other special

procedures. The Group encourages the mandate holders to develop fully the potential of this forum.

11. The Working Group notes the work currently under way in the General Assembly concerning a possible code of conduct for experts on mission and United Nations officials other than Secretariat staff. The Group encourages the special rapporteurs to continue to follow this exercise closely and requests that they report, through the Chairperson of their annual meeting, to the Commission at its fifty-seventh session.

Rationalization of mandates: general critera

12. The Working Group was conscious of the competing considerations involved in approaching the question of rationalization of mandates. The Commission clearly must be responsive to human rights imperatives; where human rights violations exist, mechanisms focus attention and have the potential to bring about important improvement. At the same time, the increasing number of mandates can create difficulties in terms of overlap and inadequate support services, as well as straining the capacity of States to absorb the output.

13. The Working Group considered that certain general criteria should guide decision-making on rationalization of mandates. It sees these general criteria as providing useful points of reference rather than being applied with automaticity; the criteria also need to be considered in relation to one another rather than in isolation. It recommends that the criteria to apply at times of creating, merging or terminating mandates would include:

(i) Mandates should always offer a clear prospect of an increased level of human rights protection and promotion;

(ii) The balance of thematic mandates should broadly reflect the accepted equal importance of civil and political rights and economic, social and cultural rights;

(iii) Every effort should be made to avoid unnecessary duplication;

(iv) In creating or reviewing mandates, efforts should be made to identify whether the structure of the mechanism (expert, rapporteur or working group) is the most effective in terms of increasing human rights protection;

(v) Any consideration of merging mandates should have regard to the content and predominant functions of each mandate, as well as to the workload of individual mandate holders.

The Group is agreed that an objective and thorough review of all mandates should be conducted periodically by the Commission. A key question in the review should be the continued need for a mandate in terms of continued human rights violations in the thematic area concerned or continued situations of human rights violations in the country concerned.

Rationalization of existing mandates

Recommendations on specific proposals in the report of the Bureau of the fifty-fourth session of the Commission

(i) Merge the mandate of the independent expert on structural adjustment and the Special Rapporteur on foreign debt ;

14. The Working Group noted the fact that the independent expert on structural adjustment and the Special Rapporteur on foreign debt had worked very closely together and had submitted a joint report to the Commission at its fifty-sixth session. The synergies between the mandates are considerable and there are good grounds to believe that a merger would strengthen the coverage of the range of issues involved. Accordingly, and taking account of the resignation of the Special Rapporteur on foreign debt, the Working Group recommends that the independent expert be given both mandates and retitled the independent expert on structural adjustment and foreign debt.

(ii) Convert the mandate of the Special Rapporteur on the adverse effects of the illicit movement of toxic waste into that of special rapporteur on human rights and the environment;

15. The Working Group noted the proposal to convert the mandate of the Special Rapporteur on toxic waste into that of Special Rapporteur on human rights and the environment. This mandate was created in 1995, renewed in 1998 and is due for further renewal in 2001. The Working Group recommends that the Commission be prepared to consider a broadening of the mandate at that time. The subject matter of an extended mandate would, however, need to be more precisely defined than "human rights and the environment".

(iii) Transform the Working Group on Arbitrary Detention into a special rapporteur on arbitrary detention;

Transform the Working Group on Enforced and Involuntary Disappearances into a special rapporteur on disappearances;

16. The Working Group considers that there is benefit in having these issues dealt with by working groups (each comprising five experts from different regions) rather than by individual rapporteurs. It therefore recommends that the Working Groups continue.

17. The Group is conscious of the expertise, dedication and worthwhile contribution made by the members of the two groups. It considers, however, that turnover in membership of these groups is important for ensuring renewal and enabling over time a wide variety of experts to make their contributions.

18. It notes that the Working Group on Enforced and Involuntary Disappearances was created in 1980. Three of the five members have served continuously since that date, the two others joining in 1988 and 1993 respectively. The Working Group on Arbitrary Detention was created in 1991 and all five members have served since that date.

19. The Working Group recommends that the same time limits - two terms of three years - should apply for membership of special procedures working groups as for rapporteurs.

20. It recognizes that in order to provide continuity transitional measures will be necessary in the case of the two working groups. It recommends that the turnover in both groups should be accomplished in incremental steps over a three-year transition period. A replacement of two members in year one, two in year two and one in year three would provide for continuity during the transitional period.

(iv) Terminate the mandate of the Special Rapporteur on the use of mercenaries and recommend that this matter henceforth be considered directly in the General Assembly (Sixth Committee).

21. The Group is not in a position to make a recommendation on this issue. It notes that the mandate is due for renewal in 2001 and recommends that all options - continuation, adjustment, termination - be further examined to enable a considered decision to be taken at that time.

(v) Terminate the mandate of the Sub-Commission's Working Group on Contemporary Forms of Slavery and transfer those responsibilities which are not addressed by existing mechanisms to a new special rapporteur on contemporary forms of slavery.

22. The Group recommends the retention of this Working Group; however, it also recommends that steps be taken immediately to make the Working Group more focused and more effective. The agenda should be streamlined to remove duplication with items dealt with by rapporteurs. Taking account of a more focused agenda, meetings of the Working Group should be reduced to five days from the present eight days. Steps should also be taken to encourage wider attendance and wider circulation of reports.

CHAPTER TWO

How to support the mechanisms in responding urgently and effectively when allegations or concerns of serious human rights violations, requiring immediate clarification and/or relief measures, are brought to their attention

How to make consideration of reports of the special mechanisms at the Commission sessions more meaningful

How to ensure that, between annual sessions of the Commission, there is effective ongoing follow-up on the recommendations of special procedures and related conclusions of the Commission at its previous session

23. The Working Group decided, because of the relationship between the above three issues, to convey its recommendations in a single chapter.

24. The Working Group is agreed that the special mechanisms are crucial to the functioning of the Commission on Human Rights. It is therefore essential that they are properly supported, that they work effectively and that appropriate weight is given to their recommendations.

25. The Working Group noted that a majority of Governments extend cooperation to the mechanisms in all activities necessary to the fulfilment of their mandates. Refusal of cooperation occurs only in a minority of cases. These refusals, however, must be a cause of serious concern. In such cases, steps to encourage a more cooperative response are critically important and should be carefully considered by the Commission. A clear statement by the Government concerned of its reasons for lack of cooperation will facilitate efforts to overcome the problem.

Urgent responses

26. The Working Group considers that the human rights machinery of the United Nations is particularly tested at a time when there are allegations of an urgent situation of serious human rights violations requiring immediate attention in any part of the world. It notes that a special

session of the Commission on Human Rights, convened in accordance with the relevant rules of procedure, is one possible response. Separate from intergovernmental responses, one or more of the thematic or country-specific rapporteurs concerned may request an immediate visit. Such requests, precisely because they arise in such difficult circumstances, should always be approached with great seriousness by the rapporteurs and equally treated with great seriousness by the Governments concerned.

27. A very large number of urgent appeals is issued each year by thematic and country-specific rapporteurs. The purpose of these appeals is to strengthen human rights protection in situations giving rise to immediate concern. The Working Group underlines that the quality and credibility of the urgent appeal process is crucial to its effectiveness and notes the steps planned by OHCHR in this regard. It emphasizes that Rapporteurs should coordinate closely with the Office to ensure that (i) facts providing the basis for the urgent appeal are clearly set out (ii) there is exchange of information to ensure that rapporteurs do not issue parallel appeals without full knowledge of any other appeal being made to the Government concerned.

28. For their part, Governments to which urgent appeals are addressed should understand the gravity of the concern that underlies these appeals and should respond as quickly as possible. The Working Group recommends that the special procedures should be supported in instances where difficulty is being experienced in securing governmental responses to urgent appeals. It encourages the High Commissioner for Human Rights to continue in these instances to assist in seeking to promote the establishment of fruitful dialogue and cooperation between the Government and the special procedure concerned.

How to make consideration of reports of the special mechanisms at the Commission sessions more meaningful

29. The Working Group considers that the level of attention which the reports of the special mechanisms currently receive at Commission sessions is inadequate. The steps decided on at the fifty-fifth session of the Commission in relation to documentation (including executive

summaries of reports and advance availability of unedited reports) should help delegations to better prepare for the discussion at Commission sessions.

30. The Working Group considers that some further steps can help to improve the quality of dialogue on the rapporteurs' reports at the Commission sessions. A more meaningful discussion is likely if Governments which have received visits from rapporteurs are in a position to comment in detail on the reports and if the debate at the Commission has a more interactive character than at present. It therefore recommends as follows:

(i) There should be a consistent practice among country-specific rapporteurs and thematic rapporteurs who are including country-specific sections in their report, of making the texts of their reports available to the representatives of countries visited sufficiently in advance to allow a reasonable opportunity for comment. Comments by the Governments concerned should be made available as an official document, either as an annex to the report or, if this is not feasible for practical reasons, as a separate document to be circulated at the same time as the report.

The definition of a "reasonable opportunity" to comment needs to be approached in a spirit of mutual understanding. Rapporteurs should understand that preparation of comments by Governments can often require inter-departmental consultation and therefore be time consuming. Governments for their part should understand that rapporteurs are often working to tight deadlines with limited support. A "reasonable opportunity" should normally be interpreted as a minimum of six weeks (with reports being made available, in unedited form if necessary, if possible in the relevant official language) ; if such an interval has not been possible, there should be a good reason, which the rapporteur should explain at the Commission.

(ii) The Working Group considers that there would be important benefits in having more interactive debate on the reports of rapporteurs. It recommends that time be made available for such debate in the course of the Commission session, immediately following presentation of the report by the mandate holder.

Discussion of follow-up of current and past recommendations and consideration of situations involving failure or denial by Governments

31. The Working Group agrees that cooperation between the Governments and the rapporteurs should be seen as a process; for the rapporteurs and for the Commission itself, knowledge about the extent of follow-up of earlier recommendations is essential to considering

how the process is to be developed. The Working Group discussed how a clearer picture might emerge in this regard.

32. The Working Group considers that steps agreed at the fifty-fifth session of the Commission and recommendations contained elsewhere in the present report would lead to a stronger sense of where progress has been made and where problems persist. The executive summaries of reports should help to focus discussion. Rapporteurs should structure their executive summaries so that salient points are identified; comments (positive or negative) on follow-up and comments about the degree of cooperation by Governments are likely to be among the issues to which attention is directed. If there is standard formatting of executive summaries, a section on follow-up is likely to become part of the standard format. In addition, with more systematic and interactive dialogue at Commission sessions, consideration of follow-up or failures will inevitably receive attention as part of that dialogue.

How to ensure that, between annual sessions of the Commission, there is effective ongoing attention to the recommendations of the special procedures and related conclusions of the Commission at its previous session

33. The cycle of meetings (the Commission session in spring; the United Nations General Assembly in autumn) is such that the Third Committee of the General Assembly is well placed to consider developments in the interim since the Commission session. Given the significant overlap both in agenda and in attendance between the Commission and the Third Committee, the Working Group considers that there is scope for a more dynamic sense of connection between the two. In particular, the Group recognizes the rationale for some form of enhanced preparation in Geneva so as to ensure that all delegations have relevant information available to them in their preparations for the Third Committee.

34. The Working Group therefore recommends that the Chairperson of the Commission should convene a one-day informal meeting of the Commission in late September each year specifically to facilitate exchange of information in advance of the General Assembly. The meeting, which would not have a formal outcome, would have an agenda comprising those issues which had been dealt with at the previous Commission session and which were also on the

provisional agenda for the Third Committee. Each item would be focused on briefly, with information from the Secretariat on any developments since the Commission session, and an opportunity for comment by government representatives, including any indication of intentions for tabling resolutions in the Third Committee.

CHAPTER THREE

1503 procedure

35. The Working Group is convinced of the value of the 1503 procedure as a channel for individuals and groups to bring their concerns about alleged human rights violations directly to attention. It considers that the objectivity, impartiality and confidentiality of the process must be maintained in any reform. It believes, however, that the system can be made considerably more efficient without sacrifice of these essential characteristics. It submits recommendations both on the phase preceding the Commission deliberations and the deliberations at the Commission itself.

Phase preceding Commission deliberations

36. The Working Group recommends that the present three stages preceding the Commission deliberations should become two stages. It believes that this would continue to provide the careful filtering necessary, but would reduce the overly long delays in the present process. The two stages would comprise (i) the Working Group on Communications and (ii) the Working Group on Situations.

37. The Working Group on Communications (WGC) would comprise five independent experts, members of the Sub-Commission on the Protection and Promotion of Human Rights, geographically representative of the five regional groups. All members of the Sub-Commission would be eligible for membership, with an appropriate rotation of membership encouraged.

38. The WGC would meet annually immediately following the Sub-Commission, examine the communication received and any government responses, and prepare its report, including recommendations as to which situations should be referred to the Working Group on Situations.

39. To assist the efficiency of the process, the secretariat would screen out manifestly unfounded communications with the approval of the WGC Chair; monthly confidential summaries would be sent to all WGC members through secure means.

40. The Working Group on Situations (WGS) would comprise, as at present, five members nominated by the regional groups, with due attention being paid to rotation in membership. The WGS would meet at least one month prior to the Commission, so as to enable the secretariat to make confidential papers available at least one week in advance of the session. The Working Group on Situations would examine the report of the Working Group on Communications, determine whether or not to refer a situation before it to the Commission, and prepare a report identifying the main issues of concern. In referring a situation to the Commission, the WGS should normally present a draft resolution or decision on the situation.

Proceedings at the Commission

41. The Working Group considers that the consideration of 1503 situations at the Commission should be made more meaningful. It recommends two closed sessions to consider the recommendations of the Working Group on Situations.

> At the first session, each country concerned would be invited to make opening presentations. A discussion would then follow between members of the Commission and the country concerned, based on the contents of confidential files and the report of the WGS.
>
> In the interim between the first and second sessions, any member or members of the Commission could submit an alternative or an amendment to any texts forwarded by the WGS. Any such draft texts would be circulated confidentially by the Secretariat in accordance with the rules of procedure in advance of the second meeting.
>
> At the second session, members of the Commission would discuss and take action on the draft resolutions or decisions. The Chairperson of the Commission would subsequently announce in public session which countries had been examined under the 1503

procedure, as well as the names of countries no longer being dealt with under the procedure. The 1503 dossiers would remain confidential, except where the Government concerned had indicated a wish that they become public.

CHAPTER FOUR

Sub-Commission on the Promotion and Protection of Human Rights

42. The Working Group recognizes that the Sub-Commission has made an extremely valuable contribution to the human rights work of the United Nations over the past 53 years. As a body of independent experts, its analysis and perspectives add an important dimension to the work of the Commission. The Working Group considers, however, that there is need for clarification and adjustment of the mandate of the Sub-Commission.

43. The concern to safeguard the independence of the Sub-Commission was a predominant theme in the discussions of the Working Group . The Group emphasizes that the independence of the membership is a defining characteristic of the Sub-Commission; to the extent that there is any perception that its independence is eroded, the credibility of the Sub-Commission and hence the influence that it can bring to bear on human rights issues is weakened.

Membership issues

(i) Election of members

44. The Working Group recommends that the Sub-Commission members continue to be elected according to the procedures currently in place. It considers that election of the membership is more transparent and democratic than appointment.

(ii) Safeguarding independence

45. Because of the complexities of the issue, the Working Group stops short of defining the categories of employment which would exclude candidates from eligibility for election to

membership of the Sub-Commission. However, it emphasizes that persons putting their candidacies forward for membership, and Governments in electing the membership, should be conscious of the strong concern to ensure that the body is independent and is seen to be so.

46. Members of the Sub-Commission should maintain the highest integrity and impartiality and avoid acts which would affect confidence in their independence.

(iii) Duration of membership

47. In paragraph 4 above, the Working Group emphasizes the need for a balanced accommodation of the benefits of continuity and the importance of renewal. As with the principle of independence discussed above, the Working Group emphasizes that this should be borne in mind by persons putting their candidacies forward for membership and by Governments in electing the membership.

(iv) Size of membership

48. The Working Group considered the question of the optimum size of the Sub-Commission. To ensure effectiveness, numbers should be kept to the minimum necessary. However, the Sub-Commission should have sufficient numbers to ensure it is both geographically representative and representative of different legal systems; there must also be a sufficient pool of experts to staff the working groups of the Sub-Commission. Having weighed the various considerations, the Working Group recommends that the Sub-Commission remain at its present size of 26 members.

Mandate

(i) Oversight by the Commission

49. The Working Group considered that the role of the Commission in its oversight and determination of priorities of the Sub-Commission should be strengthened. In assigning projects, the Commission should ensure that it gives clear direction to the Sub-Commission,

taking care to avoid duplication with work being carried out by other competent bodies and mechanisms. The Commission, at its fifty-sixth session, should undertake an initial review of the tasks currently being performed by the Sub-Commission; thorough reviews should subsequently be carried out by the Commission periodically.

50. The principal attention of the Sub-Commission should be given to the elaboration of studies and research and to providing expert advice at the request of the Commission. The Commission, in considering the assignment of work, should take into account relevant proposals from the Sub-Commission. The Sub-Commission should retain some right of initiative in carrying out research and studies. However, such work at its own initiative should comprise a modest percentage of the Sub-Commission's work and should also take full account of the need to avoid duplication with work being undertaken by other competent bodies.

(ii) Country situations/thematic resolutions with a country focus

51. The Working Group also discussed the question of consideration of country situations by the Sub-Commission. It is conscious that resolutions on country situations risk duplication with the work of the Commission and creating a perception of politicization of independent experts. At the same time, it accepts that there could be a loss in human rights terms if the Sub-Commission were unable to give any consideration to specific country situations.

52. The Working Group therefore recommends that the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission. It should also be allowed to discuss urgent matters involving serious violations of human rights in any country. However, the Sub-Commission should not adopt country-specific resolutions; its discussions would be reflected in the summary records of the debate, which should continue to be forwarded to the Commission.

53. The Working Group is conscious of the important range of issues which have been the subject of thematic resolutions adopted by the Sub-Commission. However, consistent with the independent expert character of the Sub-Commission as a think-tank, the Working Group

recommends that it refrain from negotiating and adopting thematic resolutions which contain references to specific countries.

(iii) Standard setting

54. The Working Group envisages a potential role for the Sub-Commission in standard setting, as set out in paragraph 58 below.

(iv) 1503 procedure

55. As is clear from the recommendations in Chapter Three of this report, the Working Group recommends that the Sub-Commission as a whole cease to have a role in the 1503 procedure.

Duration of annual session

56. Taking account inter alia of the changes in the mandate of the Sub-Commission, the Working Group recommends that the annual session of the Sub-Commission should be of three weeks' duration.

CHAPTER FIVE

Standard setting

57. The Working Group considers that standard-setting will continue to be one of the central functions of the Commission on Human Rights. It recommends that the sequence of steps involved in formulating and adopting new standards should be as follows.

(i) Advance preparation

58. Before referring any matter to a working group the Commission should, where the necessary groundwork has not otherwise been undertaken, consider requesting the

Sub-Commission to undertake a study on the question at hand and to prepare a draft text which should include a comprehensive analysis, with substantive comments, of the instrument envisaged. Among the issues to be addressed in any such study, and in the Commission's deliberations on whether to proceed, careful consideration should be given to the purposes of any drafting exercise and to the guidelines set out in General Assembly resolution 41/120.

(ii) Conduct of working groups

59. With the authorization of the working group concerned, all chairpersons should have standing authority to have informal contacts and consultations between meetings with a view to advancing progress in respect of the working group's mandate. If the working group considers it appropriate, and in consultation with OHCHR, chairpersons should be provided with the necessary financial resources to undertake these tasks. Chairpersons receiving such assistance should strive to conduct the informal consultations in the most cost-effective manner. Delegations should be kept informed of the progress of these consultations, including a briefing at the start of each session of the working group.

(iii) Time limits for standard setting

60. In creating any standard-setting working group, the Commission should consider a specific time-frame within which the group would be called upon to complete its task. This could vary, depending on the complexity of the issue and the nature of the instrument. However, in most instances, the established time-frame should not in principle exceed five years. If, by the end of this time-frame, the working group has not been able to achieve the desired result, the Commission should consider the following options:

Extending the mandate;

Providing for a period of reflection (such as one or two years); during this period, chairpersons should continue to consult widely and where possible provide the Commission with papers on an envisaged outcome;

Examining the working methods of the particular working group (taking into account the format of the report, annexes to the report, chairperson's perception paper, etc.).

CHAPTER SIX

Working methods of the Commission

61. Comments and recommendations in earlier sections of this report have related to various aspects of the working methods of the Commission. The Working Group acknowledges the role of the Bureau in considering organizational and administrative aspects of the Commission's work, particularly the question of time management at annual sessions. It encourages the Bureau to continue to explore proposals for improvement in these areas, to be brought before the Commission for approval as appropriate.

62. The Working Group recommends that the question of agenda reform should be kept under review. A new agenda was in place for the fifty-fifth session of the Commission; the Working Group considers that a review of the experience with the new agenda - including the scope for possible further reclustering of items - would be timely at the latest after the fifty-seventh session.

63. The Working Group considered the questions of documentation at the annual session and the methodology for holding consultations on resolutions. In both of these areas, the Working Group is conscious of a certain tension. If the work of the session is to be serious, well-prepared, and provide all delegations with an opportunity for full participation, documentation needs to be available well in advance and its bulk should not overwhelm the absorption capacity of delegations. Equally, to ensure the most relevant and meaningful outcomes, the process of advance consultation on resolutions should offer scope for involvement by all interested delegations. On the other hand, the Working Group wishes to avoid any straitjacketing of procedures which might result in urgent situations of serious human rights abuse not receiving the attention they warrant at the Commission. It also acknowledges that any recommendation for changes in the approach to consultations must take realistic account of the pressures of working within the time constraints of the annual session.

Documentation

64. On documentation, the Working Group underlines the importance of compliance with the six-week rule for the availability of reports and to General Assembly resolution 53/208, which specifies the length of reports. In any situation where there has not been compliance with these provisions, there should be good reason, which should be explained to the Commission. The Working Group also refers to paragraph 30 above concerning the inclusion of government comments in country-specific reports by rapporteurs.

Consultations on resolutions

65. The Working Group is conscious that, while resolutions are a key outcome of Commission sessions, a disciplined approach is required if each text is to receive the attention it deserves in terms of preparation and follow-up. This discipline is required in relation both to numbers and length of resolutions. As to numbers, the Working Group recommends that biennialization be considered of as many thematic resolutions as possible. All resolutions should be kept under periodic review, with a view to termination of a resolution if the circumstances giving rise to it no longer apply. As to length, the Working Group notes that if texts are to be accessible and meaningful, they need to be drafted as clearly and succinctly as possible.

66. The Working Group also recommends that every effort be made to give as much advance notice as possible of the tabling of resolutions. As a matter of general practice, (i) an indication of thematic resolutions to be tabled should be made available in advance of the Commission and (ii) in the case of draft resolutions on the human rights situation in specific countries, the delegations concerned should be informed no later than the first week of the session. It is understood that, where resolutions are being tabled principally in response to developments which have arisen in the course of the session, such advance notice will not be feasible. However, in these situations, delegations initiating texts should still give as much advance notice as possible and should explain, in introducing the texts at the Commission, the particular circumstances which led to the tabling of texts on short notice.

67. As regards informal consultations on texts, the Working Group recommends that increased efforts be made to avoid parallel consultations on different texts. The secretariat should be informed of scheduled consultations; delegations planning to convene consultations should check the secretariat list and make the most committed efforts to avoid overlap. Announcements of consultations should be made in plenary, making clear whether they are intended for potential co-sponsors or are open to all.

Annual theme

68. The Working Group favours the continuation of the recent practice of choosing a particular theme for one day of special dialogue at the session. It recommends that the theme be chosen in Bureau discussions by the Chairperson, in consultation with all the regional groups; the choice should take into account the annual theme decided on by the General Assembly for its activities.

Office of the High Commissioner for Human Rights

69. A number of the recommendations in this report refer directly to or have implications for the Office of the High Commissioner for Human Rights. Attention is specifically drawn to paragraph 8 above relating to the provision of support to mandate holders. The Working Group is conscious that the effectiveness of OHCHR is a crucial element in the overall effort to enhance the effectiveness of the Commission and its mechanisms. It recognizes that, in turn, the effectiveness of the Office depends on the availability of adequate resources, human and financial, and the optimum use of these resources.

70. The Working Group, recognizing that dramatic increases in tasks facing the Office over recent years have not been accompanied by a proportionate increase in resources, repeats the need for significant improvement in this regard. It also considers it important that the distribution of available resources within the Office should be balanced; that best United Nations practice should be followed in the recruitment of staff; and that the professionalism and impartiality of the staff should be of the highest standard if the Office is to achieve its full potential in strengthening human rights protection worldwide.

Consideration of this report by the Commission

71. The Working Group recommends that this report be considered at the earliest appropriate time at the fifty-sixth session of the Commission and, if acceptable, approved in its entirety through a single decision.

Annex

DOCUMENTS AVAILABLE OR TABLED DURING THE THREE SESSIONS OF THE WORKING GROUP ON ENHANCING THE EFFECTIVENESS OF THE MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS

First session, 28 September-1 October 1999

Rationalization of the work of the Commission

E/CN.4/1999/104 and Corr.1

E/CN.4/1999/WG.19/2 (former E/CN.4/1999/120)

E/CN.4/1999/WG.19/3 (former E/CN.4/1999/124)

Special procedures

E/CN.4/2000/5. Report of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme (Geneva, 31 May-3 June 1999)

(No symbol) Report on capacity-building to strengthen the special procedures system of the United Nations human rights programme, prepared by Ms. Mona Rishmawi and Mr. Thomas Hammarberg

Sub-Commission on the Promotion and Protection of Human Rights

E/CN.4/Sub.2/1998/38. Enhancing the effectiveness of the Sub-Commission

E/CN.4/Sub.2/1999/47. Common position of the Sub-Commission on future tasks, length of session, working methods, composition and election of members

E/CN.4/Sub.2/1999/SR.22, para. 44. Summary record of the statement made by Mr. Marc Bossuyt concerning the methods of work of the Sub-Commission

1503 procedure

Annex 1 to document E/CN.4/Sub.2/1999/47. Summary of informal discussion by the Working Group on Communications on the recommendation concerning the 1503 procedure contained in the report of the Bureau of the fifty-fourth session of the Commission on Human Rights

Background note on the 1503 procedure prepared by the secretariat

Note for the file prepared by the secretariat on the "interpretation to be given to paragraph 10 of Economic and Social Council resolution 1503 (XLVIII)"

Relevant resolutions

General Asembly

Resolution 53/208, "Pattern of conferences" (concerning documentation and simultaneous distribution)

A/54/6. Proposed programme budget for the biennium 2000-2001, section 22, Human rights

Resolution 41/213, "Review of the efficiency of the administrative and financial functioning of the United Nations"

Aide-mémoire of the Chair dated 4 November 1999

Second session, 6-10 December 1999

Three "non papers" dealing respectively with the 1503 procedure, the Sub-Commission and standard-setting had been distributed during the open-ended consultations of 25 November 1999 by the delegations of Brazil, Canada, Chile, Japan, Finland, Latvia, New Zealand, Norway, South Africa, Spain, the United Kingdom and the United States.

A number of papers were submitted by the Like-Minded Group (LMG) before and during the session:

Proposals by the LMG on enhancing the mechanisms, 26 November 1999;

Proposals by the LMG on methods of work of CHR, 6 December 1999;

Proposal by the LMG on the rationalization and strengthening of the Commission network of thematic procedures, 7 December 1999.

The delegation of Cuba submitted a proposal at the outset of the session on new composition of the Commission. The delegation of Malaysia circulated preliminary comments on the issue of cooperation, to be read in conjunction with the LMG paper of 26 November 1999.

Aide-mémoire of the Chair dated 7 January 2000

Third session, 7-11 February 2000

Draft report of the Chair dated 24 January 2000 and in-session amendments

Revised draft report dated 10 February 2000

Two letters, dated 2 and 10 February 2000, from the Permanent Representative of Malaysia

Letter, dated 4 February 2000, from the Chairperson of the Commission on Human Rights addressed to the Permanent Representative of Malaysia

Letter, dated 10 February 2000, from Mr. Asbjørn Eide concerning the draft report

2000/110. Transitional arrangements concerning the 1503 procedure

At its 67th meeting, on 26 April 2000, the Commission on Human Rights decided, pending adoption by the Economic and Social Council of draft resolution 4 (see chap. I above), entitled "Procedure for dealing with communications concerning human rights", that those communications and the replies thereto on which the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-first session had decided to defer action to its next session should be referred back to the Working Group on Communications, and that those communications and replies should be examined by the Working Group at its next annual session, immediately following the fifty-second session of the Sub-Commission, with a view to determining whether or not they should be brought to the attention of the Working Group on Situations in accordance with paragraph 2 of draft resolution 4.

[See chap. XX.]

2000/111. Dates of the fifty-seventh session of the Commission on Human Rights

At its 67th meeting, on 26 April 2000, the Commission on Human Rights, recalling Economic and Social Council decision 1994/297 of 29 July 1994 and bearing in mind Council decision 1997/291 of 22 July 1997, decided, without a vote, that the fifty-seventh session of the Commission should be scheduled to take place from 19 March to 27 April 2001.

[See chap. III.]

2000/112. Organization of the work of the fifty-seventh session of the Commission on Human Rights

At its 67th meeting, on 26 April 2000, the Commission on Human Rights, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on its agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's requests for additional meetings for its thirty-seventh to fifty-sixth sessions, decided, without a vote:

(*a*) To recommend to the Council that it authorize, if possible from within existing financial resources, thirty fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-seventh session;

(*b*) To request the Chairperson of the fifty-seventh session of the Commission to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

[See chap. III.]

2000/113. Report of the Commission to the Economic and Social Council on its fifty-sixth session

At its 69th meeting on 28 April 2000, the Commission on Human Rights decided to include in its report to the Economic and Social Council on its fifty-sixth session, as an annex, the administrative and programme budget implications of the resolutions and decisions adopted, submitted by the Secretary-General in compliance with regulation 13.1 of the Financial Regulations of the United Nations and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

[See chap. XXI.]